

Department of the Environment

LOCAL GOVERNMENT REVIEW

The Functions of Local Authorities in England

HMSO

Department of the Environment

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Introduction

This document has been prepared for the Local Government Commission set up under the Local Government Act 1992. It should be read alongside the policy guidance to the Local Government Commission to which the Secretary of State has directed the Commission to have regard. Annex B to the policy guidance offers some advice on the general issues to be taken into account when the Commission is considering the effective, efficient and convenient performance of specific functions. This document contains a comprehensive descriptive list of local government functions which complements Annex B.

The list necessarily follows the statutory framework for functions and is not intended to paint a detailed picture of how local authorities organise themselves to carry them out. In meeting the needs of people in their area, local authorities often need to carry out a cross-functional analysis of problems and to devise cross-functional solutions. The Commission must consider such links and should look at functions in the round.

The functions of local government can normally be expected to change over time as policy develops. This document will be updated from time to time to take account of changes to policy and the law.

As noted in the policy guidance, the Government is committed to the concept of the enabling authority. Where a local authority is charged by statute with the provision of a service it does not follow in every case that the service itself should be provided in whole or in part by the authority itself.

There is an increasing range of choices opening up through which authorities can procure or contract services from neighbouring authorities, other public bodies, the voluntary sector and the private sector. In some cases it will be appropriate or required by law that an authority should provide services itself. In other cases an authority will have no power to provide the service itself unless it has complied with the conditions set out in the compulsory competitive tendering legislation, namely Part III of the Local Government Planning & Land Act 1980, and Part I of the Local Government Act 1988 which have both been amended by the Local Government Act 1992. The following activities are covered by this legislation at present: construction or maintenance work, collection of refuse, cleaning of buildings, other cleaning, catering for purposes of schools and welfare, other catering, maintenance of ground, repair and maintenance of vehicles and management of sports and leisure facilities. The Secretary of State may however add to this list by means of an Order under section 2(3) of the 1988 Act. In all cases local authorities will need to have the expertise available to them to ensure that they have discharged their statutory obligations.

Section I of the document contains a summary section about local government staffing, income and expenditure. Definitive figures are only available

once each local authority has closed its accounts for the financial year; the most recent figures available are for the financial year 1990/91.

Section II sets out, for each local government function, a description of:

- (i) the function and the main relevant legislation;
- (ii) the tiers of local government currently responsible for the function. The tiers described are county councils, metropolitan and non-metropolitan district councils, and London borough councils. References to district councils cover both metropolitan and non-metropolitan councils. The position of the Common Council of the City of London and the Council of the Isles of Scilly is not specified as the Commission is not likely to be concerned with detailed differences between these bodies and the other councils mentioned. There are no references to the functions of parish councils, which have no statutory duties but some concurrent powers with both county and district councils. Powers may also be delegated to them by both county and district councils.
- (iii) a description of links with other agencies. This contains information on links with other agencies outside the local authority which is responsible for the functions, and links between departments within a responsible local authority.
- (iv) the policy objectives which the Government expects local authorities to pursue for this function.

The chapter on Local Government Finance details the functions of local government in relation to taxes but does not cover the financial management requirements of local authorities. Information on financial processes may be found in CIPFA's "Councillors' Guide to Local Government Finance, 1992" copies of which have been provided to the Local Government Commission.

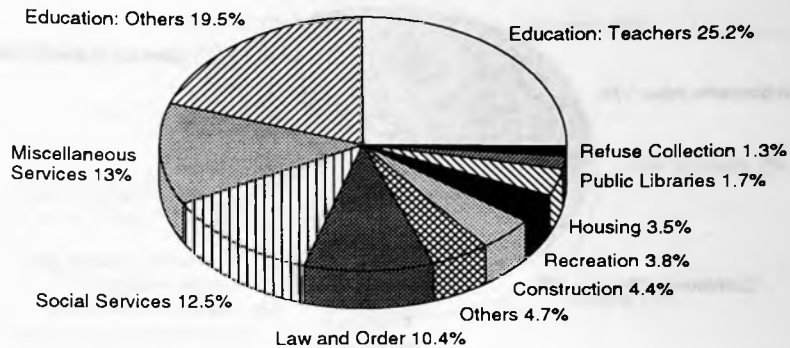
Section III contains a list of the Government's policy documents which are relevant to the local government functions described in Section II.

Section I

Summary of local authority staffing, income and expenditure

Local Authority Staffing

All Services: December 1991 percentage breakdown of FTEs by Service



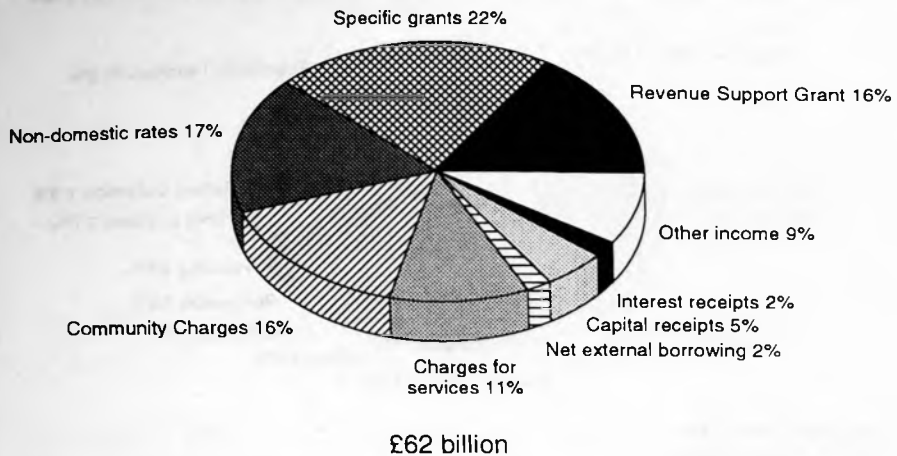
EXPLANATORY NOTES

FTE - Full Time Equivalents.

Others - includes Transport, Environmental Health, Fire Services, Town and Country Planning and Agency Staff.

Miscellaneous Services - includes central administration, technical and financial services.

Local Authority Income by Source 1990/91



EXPLANATORY NOTES

Revenue Support Grant - this is an unhypothecated grant. As well as Revenue Support Grant, it includes special grants (Low Rateable Value Areas Grant and ILEA Grant) to ease the transition from domestic rates to Community Charges.

Specific grants - are hypothecated grants. They include inter alia Community Charge Benefit, Transitional Relief, housing subsidy (including rent rebates) and capital grants.

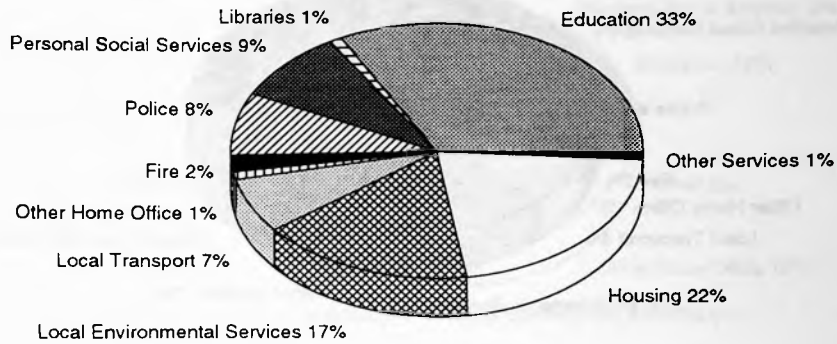
Non-domestic rates - this is the distributable amount, pooled by Central Government.

Community Charges - this figure is net of rebate grants (Community Charge Benefit and Transitional Relief) but gross of income support. This represents 16% of local authority income for all accounts. It also represents 27% of revenue expenditure to compare with Total Standard Spending (TSS), which is more commonly quoted.

Charges for services - includes sales, fees and charges, and rents.

Other income - includes use of reserves. An adjustment has been made to eliminate double counting of general administration recharged to other services.

Local Authority Spending by Service 1990/91
Gross Expenditure by Service 1990/91
(Revenue and Capital combined)

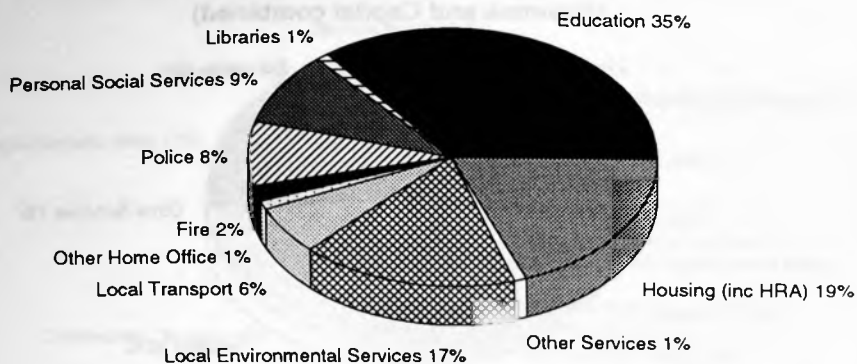


£62 billion

EXPLANATORY NOTE

The figures are the sums of those in the separate charts of revenue expenditure by service and capital expenditure by service.

Revenue Expenditure by Service 1990/91



£55 billion

EXPLANATORY NOTES

The figures comprise employee costs, running expenses and interest payments, and have been adjusted to remove double counting where possible. The service breakdown is made up as follows:

Education - includes school catering services.

Libraries - includes museums and art galleries.

Personal Social Services - includes local authority port health.

Police - excludes school crossing patrols.

Other Home Office Services - comprises magistrates' and other courts, probation, registration of electors, school crossing patrols and civil defence. Ministerial responsibility for magistrates' courts was transferred to the Lord Chancellor's Department on 1 April 1992.

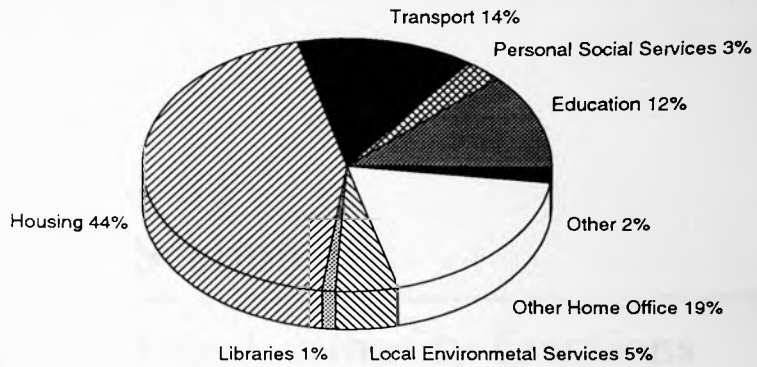
Local Environmental Services - comprises general administration, collection of rates and Community Charges, refuse collection and disposal, environmental health, cemeteries and crematoria, recreational services, planning, trading services, miscellaneous services (including allotments and council elections) and spending of parishes.

Agriculture - includes flood defence, coastal protection and smallholdings.

Employment - comprises careers services, sheltered workshops and contributions to Training Agency schemes.

Housing - includes spending from the Housing Revenue Account (HRA) including expenditure on rent rebates.

Capital Expenditure by Service 1990/91



£7 billion

EXPLANATORY NOTES

Other - includes fisheries, flood defence, consumer protection, careers service and spending funded by the Derelict Land Grant. Service expenditure includes Urban Programme spending.

Section II

Local authority functions

Planning

Overview

The planning system is designed to regulate the use and development of land in the public interest. It is an important instrument for protecting and enhancing the environment, while making adequate provision for development. The planning system can contribute to the objectives of ensuring that development and growth are sustainable. The planning system should secure economy, efficiency and amenity in the use of land.

Local planning authorities are responsible both for preparing development plans and for development control decisions. These decisions are made on the basis of the development plan. These plans are themselves prepared within the framework of national policies and regional and strategic guidance prepared by the Secretary of State.

Regional Planning Guidance

Regional planning guidance is issued by the Secretary of State for the Environment in the form of Regional Planning Guidance notes (RPGs). Its primary function is to provide a framework for local planning authorities in updating their structure plans, although it also provides a context for local plans and Unitary Development Plans (UDPs). It covers issues which are of regional importance or which need to be considered on a wider geographical basis than individual structure plans.

The Planning and Compensation Act 1991 requires local planning authorities preparing structure plans and UDPs "to have regard to" any regional or strategic planning guidance given by the Secretary of State.

The process of producing RPGs closely involves local planning authorities. Groups of local authorities, with county councils in the lead, work together on a collaborative basis through regional planning conferences or fora to produce "Advice" often in the form of a "Regional Strategy". This advice is submitted to the Secretary of State, following widespread consultation. The Secretary of State responds with his draft Guidance. Details of membership and procedures for producing advice are left to the conferences themselves, although the Government stresses the need for consultation in Planning Policy Guidance Note 12.

RPG was issued for the South East in 1988 (revised 1989) and is currently being revised. RPG for East Anglia was issued in July 1991. Planning conferences or fora in most other regions have produced or are working on their advice to the Secretary of State. Details of progress are set out below. It is expected that guidance will be issued in all regions by the end of 1993.

Strategic Guidance

Strategic Guidance, which provides a more detailed framework for the preparation of UDPs, has been issued for all the former metropolitan counties and is currently being revised for London. It is intended eventually to combine Strategic and Regional Guidance.

Regional Planning Guidance

PROGRESS BY REGION – August 1992

EASTERN

Regional Planning Guidance for East Anglia (RPG6) was published in July 1991.

EAST MIDLANDS

The Regional Forum published advice in the form of a regional strategy in January 1992. A conference was held in July, and draft guidance should be issued in late October. Final guidance is expected by early 1993.

NORTHERN

Cleveland, Durham and Northumberland County Councils submitted their advice in January 1992. The Secretary of State's draft guidance is currently in preparation and it is expected it will be ready for public consultation by September 1992. Final guidance will be issued by the end of 1992. Tyne and Wear is covered by separate strategic guidance which was issued in June 1989.

NORTH WEST

The North West Regional Association was set up in January 1992. The Association intends to consider advice on regional guidance.

SOUTH EAST

The London and South East Regional Planning Conference (SERPLAN) has published its advice in the form of a regional strategy. It is expected that draft regional guidance will be published later in 1992.

SOUTH WEST

The Standing Conference of South West Regional Planning Authorities published their draft advice in October 1991. Final advice is expected by October 1992. It is hoped that guidance will be issued in 1993.

WEST MIDLANDS

The Regional Forum has consulted on a position paper and advice is expected in early 1993. It is hoped that guidance should be issued by the end of 1993.

YORKSHIRE AND HUMBERSIDE

A Standing Conference of Local Authorities has been set up. They hope to consult on their draft advice in the autumn of 1992 and to give final advice to the Secretary of State by early 1993.

Development Plans

*Functions, legislation and tiers
of local government responsible*

The development plan functions of local planning authorities are set out in Part II of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. Detailed requirements are contained in the Town and Country Planning (Development Plan) Regulations 1991.

County planning authorities are responsible for planning survey work and the preparation and adoption of *structure plan* proposals for their area. In addition, two national park authorities have structure plan responsibilities. These are the two Board-run parks (Peak Park and Lake District) where the county structure plan function is given to the Boards by Order.

Structure plans provide the broad framework for planning and development control locally. They ensure that the provision for development is realistic and consistent with national and regional policy and secure consistency between local plans for neighbouring areas.

District planning authorities are consulted on, and closely involved in, the preparation of structure plan proposals by county planning authorities.

County planning authorities and the seven national park authorities are responsible for preparing and adopting *minerals local plans* and *waste local plans* for their area.

Minerals plans and waste plans are prepared by these two types of authority, but district planning authorities are consulted on their preparation. Metropolitan district councils and London borough councils are responsible for minerals and waste policies in their area. In the case of the five "committee-run" parks the county planning authority has the statutory function of supplying statements concerning the conformity (or non-conformity) of the minerals and waste local plans with the structure plan. For more detailed advice on *minerals local plans* see pages 15–16 below (Mineral Planning).

Waste local plans cover development involving the deposit of refuse or waste materials (other than mineral waste). They set out authorities' detailed land-use policies for the treatment and disposal of waste, within the strategic framework of the structure plan. In drawing up its waste local plan an authority must have regard to waste disposal plans, which waste regulation authorities previously drew up under the Control of Pollution Act 1974, and must now draw up under the Environmental Protection Act 1990. The Government recently published the Waste Disposal Planning under an Environment Agency consultation paper on the planning arrangements for waste disposal when the proposed new Environment Agency is set up.

District planning authorities and national park authorities are responsible for preparing and adopting a *local plan* for the whole of their areas. Such plans are more detailed than and must conform generally with the structure plans developed by the county planning authorities. Where a district planning authority has some area in a National Park, its local plan will not cover that area which lies in the Park and is covered by the Park's plan.

County planning authorities are consulted on, and closely involved in, the preparation of local plan proposals. Outside the Board-run national parks the county planning authority is required to supply statements concerning the conformity (or non-conformity) of local plans with structure plans.

Metropolitan authorities and London borough councils are responsible for preparing *unitary development plans* which combine the role of structure and local plans for their areas and include minerals and waste policies.

Links with other agencies

The preparation of development plans involves a great deal of contact between the authorities concerned, other bodies and the public. The 1991 Development Plan Regulations prescribe a list of those whom authorities must consult. This includes other local planning authorities and (in certain circumstances) parishes. PPG 12 lists other bodies who should be consulted in defined circumstances. In addition, authorities are exhorted to carry out adequate publicity for and consultation on the plan proposals so that the public and conservation and development interests have the opportunity to feed in their views.

The Secretary of State has powers to intervene at a number of stages of the plan preparation process – for example if plans conflict with national policies and regional guidance.

Policy objectives

Development plans provide the basis for rational and consistent planning decisions. A plan-led system of development control has been given statutory force by the Town and Country Planning Act 1990, which requires planning decisions to be made in accordance with the development plan, unless material considerations indicate otherwise. The 1991 Act changes to the development plans provisions of the 1990 Act (including mandatory district and national park-wide plans, and minerals and waste local plans) underlines the importance which the Government attaches to development plans. The Government expects authorities to achieve substantially complete coverage of local plans by the end of 1996. It is important that all plans should be reviewed regularly and kept as up-to-date as possible.

Development Control *Functions and legislation*

The development control function is defined in the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990. All three have been amended by the Planning and Compensation Act 1991. Additionally, the Town and Country Development Order 1988 and the Town and Country Planning (Use Classes) Order 1987 contain detailed provisions relating to the control of certain types of development.

The development control function covers all aspects of the use and development of land. Local authorities' main tasks are the processing and determining of planning applications and enforcement of planning control. Some 500,000 planning applications are received each year. Planning officers also advise applicants and potential applicants about their development proposals before applications are submitted. Where planning permission is refused or granted subject to conditions, or the authority fails to reach a decision, an applicant may appeal to the Secretary of State. Planners deal with such appeals on behalf of their authorities. There were approximately 26,000 planning appeals in 1990/91.

The range of development control work covers everything from small extensions and changes of use to the biggest development proposals.

Planning authorities have a range of powers enabling them to take effective enforcement action against unauthorised development where, in the authority's view, such action is "expedient". A local authority may issue an enforcement notice requiring remedial action to be taken; serve a stop notice in many cases; serve a breach of condition notice; obtain relevant information about any suspected activity taking place on land in breach of planning control; seek an injunction to restrain an actual or apprehended breach of control; and, in default of remedial action by the landowner or occupier, take remedial action themselves to ensure that an effective enforcement notice is complied with. An authority may also prosecute an enforcement offence. The Government has issued policy guidance about enforcement to all planning authorities in PPG 18.

Tiers of local government responsible

Development control is largely the responsibility of district councils and London borough councils. County councils deal with a relatively small number of often complex applications. In National Parks development control is the responsibility of the National Park board or committee, which also has responsibility for mineral and waste decisions.

Links with other agencies

Within its own area the planning department has close links with services such as fire, environmental health and building control. For many planning

applications, planning authorities are required to consult a range of bodies eg the National Rivers Authority, English Nature, English Heritage. Planning departments also frequently contact central Government.

Policy objectives

The main objectives are that the development control system should be efficient and effective. Planning applications should be processed as quickly as possible. But quality is also important. The system must provide effective environmental protection.

Simplified Planning Zones

Functions and legislation

The Town and Country Planning Act 1990 placed a duty on local authorities to keep under review whether a Simplified Planning Zone (SPZ) is desirable for any part of their area and, if they decide it is desirable, to prepare an SPZ scheme for that area. The effect of an SPZ scheme is to grant planning permission, subject to any conditions specified in it, for development specified in it which is started within ten years of making the scheme. Authorities may also alter an existing scheme if they so decide. Detailed procedures (for consultation, publicity, the handling of objections etc) are laid down by the 1990 Act as amended by the Planning and Compensation Act 1991 and in regulations. The 1991 Act changes are expected to commence and new regulations come into force later in 1992.

The initiative normally rests with the authority but, where a third party requests it to make or alter a scheme and it refuses to do so or does not react within three months, he may require it to refer the matter to the Secretary of State. The Secretary of State may then direct the authority to make or alter a scheme. The Secretary of State also has powers to call in a proposed scheme or alteration for his decision.

SPZ schemes are particularly likely to be useful in older urban areas where there is a need to promote regeneration and encourage economic activity, but there may also be situations in other areas where carefully thought out schemes could be of benefit.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

The duties rest on district and London borough councils. County councils and other bodies are concerned in so far as consultation with them is required or considered appropriate in certain kinds of case (eg English Nature where development is likely to affect a Site of Special Scientific Interest).

Policy objectives

The objective is to simplify planning procedures and permit greater flexibility within an overall framework of control.

Control of Outdoor Advertisements

Functions and legislation

All outdoor advertisements are controllable by local planning authorities under the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992, which are made under the Town and Country Planning Act 1990.

Local authorities process applications for consent to display advertisements under the Regulations; and respond to appeals to the Secretary of State against any refusal of consent. They may also take an active role by issuing "discontinuance notices" to require the removal of lawful advertisements which they regard as unsuitable on grounds of visual amenity or public safety.

Local authorities may initiate orders under the Regulations designating all or part of their area as an Area of Special Control of Advertisements (ASC) which entails a stricter control regime if the order is duly approved by the Secretary of State for the Environment. Such orders must be reviewed at least every five years.

Additionally, they must ensure compliance with the Advertisements Regulations in their area; and may initiate any action necessary, including prosecuting the display of unlawful advertisements, to remedy a breach of the Regulations.

Government policy guidance is given in PPG 19.

Tiers of local government responsible

All outdoor advertisement control functions are vested in district councils and London borough councils except:

- (a) where the land is in a National Park, in which case the National Park Authority is the advertisement control authority; and
- (b) where the land is in an urban development area, in which case the urban development corporation is the advertisement control authority.

Links with other agencies

Advice may be sought on advertisement consent applications from local highway authorities (usually county councils outside the metropolitan counties and London), the Department of Transport (where trunk roads are involved), British Rail (for railways), the Civil Aviation Authority (near aerodromes or beacons etc), English Heritage (where a listed building or ancient monument is involved) and parish councils.

Policy objectives

The objective is to provide and maintain an enabling system of advertisement control, through legislation, which provides a balance between the needs of businesses to advertise their existence and products with the minimum hindrance or bureaucracy, whilst enabling local authorities to preserve the appearance of their areas and the safety of the public.

Mineral Planning *Functions and legislation*

The functions of a Mineral Planning Authority (MPA) are:

- (i) to prepare a minerals local plan. In shire areas the MPA (county council or National Park Authority) prepares a minerals local plan within the strategic framework of the structure plan. As noted above, in metropolitan areas, minerals policies are included in unitary development plans. Minerals local plans should indicate the provision for mineral working which the authority proposes to make, proposals to safeguard deposits, proposals to secure the extraction of the mineral whilst minimising harm to the environment and proposals to ensure the reclamation and beneficial after-use of old mineral excavations;
- (ii) to carry out planning control in the area by determining applications for planning permission for mineral development. The MPA should have regard to the need to ensure that the demand for minerals is satisfied, keeping any adverse environmental effects to an acceptable level; that mineral resources are not unnecessarily sterilised; and that when mineral working is complete the land is reclaimed and restored to an acceptable after-use; and

(iii) to carry out periodic reviews of mineral working sites in its area and make such orders as it considers appropriate.

MPAs' powers derive principally from the Town and Country Planning (Minerals) Act 1981, the Town and Country Planning Act 1990, the Planning and Compensation Act 1991 and the Town and Country Planning (General Development Order) 1988.

Tiers of local government responsible

In the shire counties the MPA is the county planning authority. In the Lake District and Peak District National Parks, responsibility rests with the Lake District Special Planning Board and Peak Park Joint Planning Board respectively. In the other National Parks, responsibility rests with the National Park Committees of the appropriate county planning authorities. London borough councils and metropolitan district councils also perform these functions.

Links with other agencies

MPAs carry out extensive consultations on planning applications for mineral development. Within MPAs it is usual for the transport section to be consulted on site access and distribution aspects; the planning section on environmental issues; the recreation department on footpath and forestry aspects and the waste disposal section on relevant applications. Important links outside the MPA are with the National Rivers Authority particularly on water table implications; the Ministry of Agriculture, Fisheries and Food where agricultural land-take and after-use is involved; English Nature on environmental and wildlife aspects; district councils on all local implications and statutory undertakers if their plant or equipment is likely to be affected.

Policy objectives

The objectives for Mineral Planning Authorities are:

- (a) to ensure a continuous supply of minerals whilst minimising harm to the environment;
- (b) to safeguard deposits against sterilisation by other development;
- (c) to secure the reclamation and beneficial after use of old mineral workings

National Parks

Functions and legislation

Seven National Parks were established under the National Parks and Access to the Countryside Act 1949 for the dual purposes of preserving and enhancing their natural beauty and of promoting their enjoyment by the public. They are administered by the National Park Authorities (NPAs) whose primary function is to further Park purposes whilst having regard to the social and economic well-being of the area. Two thirds of the members of National Park boards and committees are appointed by the county and district councils in whose areas the National Parks lie. The remaining one third is appointed by the Secretary of State.

The main areas of work are conservation, planning, recreation and the provision of information services. Recent priorities, common to a majority of the Parks, have been environmental education; public access, rights of way and counter-erosion work; the built environment; and partnership with the farming community. Other priorities, specific to a particular Park have been, for example, the Three Peaks Project in the Yorkshire Dales and a new field Study Centre building at Keswick in the Lake District

NPAs are responsible for preparing local, waste and minerals plans for the whole of their area. These plans may be prepared separately or combined in various ways. A more detailed account of the arrangements for development plans is given in pages 13 to 15 above. NPAs are also responsible for receipt registration and determination of planning applications, including those for minerals and waste.

Links with other agencies

NPAs have responsibilities for land management, information and interpretation services, and administration including technical support. NPAs make use of the financial, legal, estates and other services of, usually, the county council. (See pages 13 to 16 above for the consultation arrangements on development plans and the development control processes.)

Each Park is required to produce a plan which sets out its policies for the management of its area.

National Park boundaries are determined by Order. Any variations or new designations for England are the responsibility of the Countryside Commission. Its proposals are subject to confirmation by the Secretary of State. (National Park boundaries are not for review by the Local Government Commission.)

Tiers of local government responsible

The Parks are run by committees of the constituent county and district councils except for the Lake and Peak Districts which are run by independent Planning Boards.

Policy objectives

The Government has published its response to the Countryside Commission's recommendations arising from a major review of the National Parks, commissioned by them, which evaluated the ways in which the basic purposes of National Parks might be most effectively met into the next century.

The Government's response reiterated its intention to establish independent authorities for the five English (and three Welsh) Parks currently run as county council committees. The responsibilities as national parks authorities of the five county council committees which run the national parks in England should therefore not be affected by the Commission's work. The Commission's work may have an effect on the membership of National Park authorities but the Commission is not required to determine their membership.

The Broads Authority *Functions and legislation*

The Broads is an area of national and international importance for its unique blend of wetland landscapes, waterways and variety of wildlife. It is of equal renown for its recreational role, particularly in waterborne activities.

The Broads Authority was formally established by Order made under the provisions of the Norfolk and Suffolk Broads Act 1988. Its status is equivalent to that of a National Park and it has a similar range of responsibilities, with additional navigation powers for most of the rivers and broads which it took over from the Great Yarmouth Port and Haven Commissioners. 18 members of the Broads Authority are appointed by the constituent local authorities, 9 are appointed by the Secretary of State for the Environment and the remaining 8 are appointed by Government agencies and to represent navigation interests.

The boundaries of the Broads Authority are not for review by the Commission.

Tiers of local government responsible

For planning purposes the Broads Authority is treated as a district planning authority. It has local plan-making powers and receives planning applications for decision through the relevant district council. It has no waste or minerals planning responsibilities.

Policy objectives

The objectives are for the Broads Authority to preserve and enhance the Broads, aid their enjoyment by the public and maintain navigation. The protection and management of carr and fen land is also an important objective.

Land Registers

Functions and legislation

Local authorities should follow a Code of Practice issued under cover of DOE circular 18/91 under the Local Government, Planning and Land Act 1980. This involves their making available to the public a register of their unused and under-used land. Under the Local Government Act 1972 they also aggregate information about their register to the Department of the Environment annually. The availability of registers to the public has been enforced by the Local Government (Publication of Information about Unused and Under-used Land) (England) Regulations 1992.

Members of the public may, if they wish, ask the Secretary of State to make a direction under the 1980 Act requiring a body to dispose of a particular site.

Tiers of local government responsible

County councils, district councils, London borough councils, joint authorities established by Part IV of the Local Government Act 1985, and authorities established by the Waste Regulation and Disposal (Authorities) Order 1985.

Links with other agencies

In addition to providing information for the public and the Government, authorities were asked under the Code to supply to the relevant council by 30 June each year information about land on their register in the latter's area, and councils were asked to make available to the public information so supplied by other authorities and by certain other public bodies covered by separate guidance.

Policy objectives

The objective is to improve the property management of local authorities and other public bodies; to make members of the public aware of unused and under-used land and to enable them to require it to be disposed of if necessary; and to monitor the extent of public bodies' unused and under-used land. Public bodies should dispose of land not in proper use and make more effective use of land they retain.

Reclamation of Derelict Land

Functions and legislation

Local authorities have powers under the National Parks and Access to the Countryside Act 1949 to carry out works to reclaim derelict land and to acquire land for that purpose.

Grants for the reclamation of derelict land are paid to local authorities by central Government. The grant-aiding powers are set out in the Derelict Land Act 1982. Local authorities receive grant to meet 100% of eligible costs in Assisted Areas and Derelict Land Clearance areas and 50% elsewhere except for Areas of Outstanding Natural Beauty where grant covers 75% of eligible costs.

Tiers of local government responsible

County councils, district councils and London borough councils

Links with other agencies

Derelict land reclamation is carried out by a variety of departments within local authorities, primarily Planning departments and Economic Development departments. There are also links with Environmental Health departments.

Policy objectives

The priorities for Derelict Land Grant are set out in the Derelict Land Grant Advice Note 1. They are that:

- (i) local authorities should, wherever possible, develop a strategic approach to reclamation involving both private and voluntary sectors;
- (ii) in urban and urban fringe areas reclamation strategies should place emphasis on both economic regeneration and environmental improvement. Priority should be given to schemes intended to recycle land for development where this will reduce pressure on greenfield sites and where it is clearly demonstrated that there is sufficient demand for development either at present or in the foreseeable future. Reclamation for amenity use or environmental improvement can also be supported where such a use is designed to enhance the attractiveness of the area for investment or as a place in which to live and work;
- (iii) in rural areas emphasis should be placed on reclamation in areas of particularly high scenic quality or nature conservation value and on schemes to foster development;
- (iv) in carrying out reclamation schemes, emphasis should be placed on the need to:
 - secure maximum effectiveness, efficiency and economy in relation to public expenditure;
 - deal effectively with any contamination present and where appropriate demonstrate new clean up methods;
 - guarantee the maintenance of land after reclamation; and
 - secure the early realisation of the intended end-use of the reclaimed land.

Building Control
Functions and legislation

Local authorities are required to ensure that anyone undertaking the construction of new buildings, or in certain circumstances altering or extending existing ones, in their area complies with the Building Regulations 1991, made under the Building Act 1984. The purpose of these Regulations is primarily to ensure the health and safety of people in and around buildings but also to conserve energy.

Local authorities must give consideration to plans of proposed building work which are submitted to them for approval. They must also inspect building work at various stages of construction, issue completion certificates and take appropriate action where the Building Regulations have been contravened. Prescribed fees are payable to local authorities for plan checking and inspection.

Most building control work (but not enforcement of Building Regulations) can, at the client's request, be undertaken by Approved Inspectors rather than by local authorities. Currently the only Approved Inspector is the National House Building Council (NHBC) in respect of the construction of new houses.

The range of building control work extends from small domestic extensions and loft conversions to major office buildings, factories, warehouses, shopping malls and leisure facilities. Building control sections of local authorities may also be responsible for certain other functions such as control of dangerous structures, licensing of theatres and places of public entertainment, and petroleum licensing.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Where fire safety is an issue, building control authorities are required to consult fire authorities. The legislation provides for appeals, relaxations and certain other matters to be determined by the Secretary of State for the Environment on these and on matters of interpretation relating to the Building Regulations. Formal links exist with the NHBC where building control work is carried out by them.

Policy objectives

Local authorities should ensure that the requirements of the Building Regulations are met, and that a high level of customer service is provided in approving plans and inspecting building work. A Code of Practice for local authority building control is in an advance state of preparation. This will lay down a set of recommended achievement levels. Consideration is being given as to how this might also be applied to Approved Inspectors.

Conservation Areas

Functions and legislation

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities have a duty from time to time to determine which parts of their areas are of special architectural or historic interest and have a character or appearance which it is desirable to preserve or enhance, and to designate those areas as conservation areas. The council must resolve to designate an area and publish notice of the designation in the "London Gazette" and at least one local newspaper. Local planning authorities normally designate each area by reference to a map and schedule of streets or buildings.

Once an area is designated the demolition of any unlisted building in the area (with a few minor exceptions) requires a grant of conservation area consent. The procedures for obtaining conservation area consent are those used for listed building consent but modified to refer to total and partial demolition only. These applications are determined by the district planning authority but there is a right of appeal to the Secretary of State for the Environment against refusal.

Planning authorities also have a duty from time to time to formulate and publish proposals for the preservation and enhancement of their conservation areas and to submit them for consideration to a local public meeting. This duty applies to the authority which designated the area.

Tiers of local government responsible

Areas can be designated by district or county planning authorities, although a county authority must consult the district authority for an area before making a designation. In National Parks (outside metropolitan counties) this designation will be made by the National Park Committee of the county council or by the joint or special planning board.

Links with other agencies

Local authorities should work with English Heritage, with whom such funding is shared, when allocating grants.

Policy objectives

The Government wishes to ensure that areas of special architectural or historic interest are identified by local planning authorities and that the desirability of preserving or enhancing their character or appearance is given special attention when planning decisions are being considered.

Historic Buildings

Functions, legislation and tiers of local government responsible

Buildings of special architectural or historic interest are listed by the Secretary of State for National Heritage, usually on the advice of the Historic Buildings and Monuments Commission for England (English Heritage). Buildings are listed in three Grades – I, II* and II – depending on their architectural or historic importance. Once listed, these buildings are subject to a separate control system known as “listed building consent” (LBC) which is operated, in the first instance, by the district planning authority. This system is additional to the development control system.

LBC is required for the total demolition of a listed building and for any works of partial demolition, alteration or extension which affect the building's character as a listed building. Applications for LBC are made to the district planning authority who may, if it thinks fit, grant consent for works of alteration, extension and minor partial demolition of Grade II (unstarred) buildings. Applications involving the total or major items of partial demolition of Grade II buildings and any applications involving Grade I or II* buildings must be referred to the Secretary of State for the Environment if the district planning authority is minded to grant consent for the works: he will then consider whether to call in the application for his own decision. Authorities are free to refuse LBC for any grade of building without reference to the Secretary of State of the Environment. In these cases there is a right of appeal to the Secretary of State against the refusal of consent.

The main relevant legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

In addition to listed building consent applications and appeals, local planning authorities and local authorities are involved in related listed building control powers and procedures. The main additional powers etc are: revocation and modification of consent; compensation matters; listed building purchase notices; enforcement of listed building control; compulsory acquisition of listed buildings in need of repair; and urgent works to preserve unoccupied listed buildings and the recovery of expenses of such works

County or district planning authorities have concurrent powers to acquire listed buildings in need of repair compulsorily and to carry out urgent works to preserve unoccupied listed buildings and recover the expenses of such works. The other powers are exercisable by district planning authorities. In National Parks, applications for LBC are made to the county planning authority or the joint planning board.

Although the listing of buildings of special architectural or historic interest is the responsibility of the Secretary of State for National Heritage, district planning authorities are required to notify owners and occupiers of listed buildings that the building has been listed (or de-listed). Both district and county planning authorities are required to keep copies of lists available for public inspection.

District planning authorities have a power to serve a 'building preservation notice' on the owner and occupier of any building in their area which is not a listed building and

- (a) which appears to them to be of special architectural or historic interest; and
- (b) is in danger of demolition or alteration in a way which would affect its character.

The effect of such a notice is to protect a building for six months during which a decision on whether it should be included on the statutory list may be made.

Links with other agencies

Local planning authorities are required to consult English Heritage about applications affecting Grade I and II* listed buildings. They are also required to notify the national amenity societies (the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Preservation of Ancient Buildings and the Victorian Society) and the Royal Commission on the Historical Monuments of England of any application they receive which involves the demolition, total or partial, of any listed building.

Policy objectives

The objectives are to identify buildings of special architectural or historic interest and to ensure that the case for their preservation is fully considered by local planning authorities or the Secretary of State for the Environment through the LBC procedure when any development or works affecting the building are considered.

Ancient Monuments

Functions and legislation

The Ancient Monuments and Archaeological Areas Act 1979 gave local authorities the following powers:

Acquisition – any local authority may acquire by agreement or as a gift, any ancient monument in or in the vicinity of its area.

Guardianship – any local authority may by deed be constituted as guardians of an ancient monument in or in the vicinity of its area – 'guardianship' brings with it a duty to maintain the monument in question.

Agreements – a local authority may enter into an agreement with the occupier of an ancient monument or the occupier of any land adjoining an ancient monument in or in the vicinity of its area.

Access – any local authority may regulate public access to any monument under its ownership or guardianship by regulations.

Provision of facilities – any local authority may provide facilities for public access to any monument under its ownership/guardianship and may make charges for the use of those facilities.

Expenditure – any local authority may, at the request of an owner of an ancient monument in or in the vicinity of its area, contribute towards the cost of its preservation, maintenance or management.

Under Part II of the 1979 Act the Secretary of State for National Heritage and local authorities may designate an area of archaeological importance (AAI) provided that, in the case of a local authority, the area is within its area. The local authority is obliged to notify English Heritage of its intention to designate. Any order made by a local authority – and to date none has been made – is subject to confirmation by the Secretary of State for National Heritage.

County sites and monuments record

Each county planning authority maintains a record of all known sites of archaeological interest within its area. The Sites and Monument Record (SMR) is an important first stage in the positive management and presentation of the historic landscape for the purpose of education and recreation and as an input to local history, conservation and tourism projects. The SMR and the County Archaeological Officer play a key role in identifying to potential developers sites which might have archaeological constraints on development and enabling the impact of proposed development to be assessed and considered at a very early stage in the planning process.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

English Heritage. Links also exist between county archaeological offices and district planning departments.

Policy objectives

The objective is that local authorities should take steps to ensure the preservation of ancient monuments.

Scheduling

The scheduling of ancient monuments does not directly involve local authorities. The Secretary of State for National Heritage is responsible for compiling and maintaining a schedule of ancient monuments under the 1979 Act. In practice, English Heritage make recommendations to the Secretary of State for National Heritage who then decides whether or not to schedule. Local authorities are not consulted about recommendations though they are notified when a monument has been scheduled and the scheduling is registered as a local land charge. The purpose of scheduling is to ensure that the case for the preservation of an ancient monument is considered through the scheduled monument consent procedure.

Scheduled monument consent

Under the Ancient Monuments and Archaeological Areas Act 1979 (as amended by the National Heritage Act 1983), the prior written consent of the Secretary of State for National Heritage is required for any works which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up a scheduled ancient monument. This is known as scheduled monument consent (SMC) and applications (some 800 per year) are made direct to the Secretary of State for the Environment.

Before determining an application for SMC, the Secretary of State for National Heritage is required to consult the Historic Buildings and Monuments Commission for England (HBMC) (English Heritage), his professional archaeological advisers. There is no formal provision for consultation with

local authorities on SMC applications. However, where an application relates to a development proposal in which the local authority is concerned, HBMC will normally discuss the application with the local authority before advising the Secretary of State. Having considered the advice of the HBMC, the Secretary of State may grant consent unconditionally, subject to conditions, or refuse consent. Copies of all decisions are sent to County Archaeologists.

SMC is an entirely separate statutory requirement from planning permission and, where both are required, the decisions will normally be taken independently by the Secretary of State for National Heritage on the one hand and the local planning authority on the other (although if the planning application is 'called in' by the Secretary of State for the Environment or if it comes to him on appeal, the case for a joint inquiry would need to be considered).

Coast Protection

Functions and legislation

Local authorities are empowered to carry out, or arrange to be carried out, such coast protection work as may appear to be necessary and expedient. The main legislation is the Coast Protection Act 1949, as amended by the Local Government Act 1972.

Tiers of local government responsible

Maritime district councils (that is those bordering the sea), including some metropolitan district councils. Under the 1949 Act county councils are required to contribute towards the cost of coast protection schemes.

Links with other agencies

There are close links with local authority planning responsibilities under the Town and Country Planning Acts. Capital works must be approved by the Minister for Agriculture Fisheries and Food and local authorities are required to consult neighbouring maritime district councils, the county council, the National Rivers Authority, harbour, conservancy and navigation authorities before submitting schemes for approval.

Policy objectives

The objective is to protect land against erosion and encroachment by the sea by constructing and maintaining economically justifiable coast protection schemes which are technically sound and environmentally sympathetic.

Land Drainage and Flood Defence

Functions and legislation

The Land Drainage Act 1991 re-enacted powers permitting local authorities to carry out work on watercourses (excluding those in Internal Drainage Districts and those designated as "main" rivers) so far as may be necessary in order to prevent or alleviate flooding and to carry out other drainage work, including work on sea defences, for similar purposes.

Tiers of local government responsible

District councils and London borough councils have primary responsibility. Where the relevant powers are not exercised by a shire district council, the county council may do so either at the request of the district council or after giving the district council due notice.

Links with other agencies

The work is closely linked with local authority planning responsibilities under the Town and Country Planning Acts and preparations for dealing with emergencies. The Government makes grant payments towards capital works. There are links with the National Rivers Authority on developments in flood risk areas and to obtain consent to certain works; and with Internal Drainage

Boards on works in Internal Drainage Districts through representation on individual Boards. Local authorities also need to consult environmental bodies about proposed works in some circumstances.

Policy objectives

The objective is to alleviate flooding by building and maintaining economically justifiable defences which are technically sound and environmentally sympathetic.

Transport

Overview

Local authorities are responsible for planning, providing, and maintaining most of the country's comprehensive network of roads, including more than half of the primary route network which caters for through traffic. They are also responsible for traffic management and promoting safety on their roads. These functions are at present the responsibility of county councils, though districts commonly share in their implementation through delegation arrangements.

Local authorities are also responsible for securing such public transport services as they consider appropriate and which otherwise would not be provided. County councils and Passenger Transport Authorities have a duty to do this whilst district councils have a concurrent power. The responsibility is primarily discharged by inviting tenders for the operation of bus services which are not commercially viable but are socially desirable but also includes providing information about the transport services in the area, concessionary fare schemes, and the provision of services for people with special needs. Passenger Transport Authorities and some local authorities provide support for rail infrastructure or services in their area.

Highways – Maintenance, Improvement and Construction *Functions, legislation and tiers of local government responsible*

The main functions of highway authorities are conferred by the Highways Act 1980 and by the New Roads and Street Works Act 1991.

Under the Highways Act 1980 (as amended by the Local Government Act 1985) the local highway authority is responsible for the maintenance of all publicly-maintained highways in its area, except those which are the responsibility of the Secretary of State for Transport. Under the 1980 Act, highway authorities have both general and specific powers to improve highways. The county council, metropolitan district council, or London borough council as the case may be, is the highway authority. Highway authorities may exercise functions delegated to them by the Secretary of State for Transport with regard to maintenance and improvement of trunk roads; they may construct trunk roads under agency agreements with the Secretary of State and county councils (with his consent) may arrange for these functions to be undertaken by district councils.

The main provisions for highway authorities concerning maintenance and improvement of highways are contained in the Highways Act (HA) 1980. This imposes a duty of maintenance of publicly-maintainable highways on highway authorities. The Act gives a general power to highway authorities to improve publicly-maintainable highways but such improvements do not include street lighting which may be the responsibility of district councils as lighting authorities (except for roads which are the responsibility of the Secretary of State). Under the HA 1980, highway authorities may adopt as publicly maintainable highways or ways constructed by others.

Local highway authorities (LHAs) may construct highways using powers under the HA 1980 but, unlike the Secretary of State, they have no duty to keep the network under review. This Act gives LHAs the power to build new private means of access from highways.

A shire district council is not a local highway authority but has certain highway functions. It may, on giving notice to the county council, undertake the maintenance of the following highways within the district which are maintainable at the public expense: footpaths, bridleways and urban roads which are neither trunk nor classified roads. A district council may also undertake the maintenance of privately maintainable footpaths and bridleways, but without prejudice to the duty of other persons to maintain them. The Secretary of State may by regulations empower district councils in relation to highways in respect of their powers of maintenance contained in the HA 1980. Additionally, some district councils exercise some of the county councils highway functions by agreement under the Local Government Act 1972.

The New Roads and Street Works Act (NRSWA) 1991 enables a "concession agreement" to be entered into by a highway authority under which a person ("concessionaire") is appointed to enjoy the right to charge tolls in respect of the use of a special road, in return for undertaking such obligations as may be specified in the agreement with respect to the design, construction, maintenance and operation or improvement of the road.

The NRSWA 1991 will, on commencement, provide a comprehensive new framework governing undertakers' street works. It requires amongst other things street authorities to keep a street works register. The street authority is the highway authority if the street is a maintainable highway. Street authorities may grant street works licences. There is a general duty for street authorities to coordinate works.

The Environmental Protection Act 1990 makes it the duty of each local authority, as respects any relevant highway for which it is responsible, to ensure that it is kept clear of litter and refuse. It also makes it the duty of each local authority to ensure that the highway or road is, so far as is practicable, kept clean. In this context the "local authority" means the district or borough council, although the 1990 Act allows the Secretary of State to transfer the duties to the highway authority in certain circumstances.

The Town and Country Planning General Development Order 1988 states that a local planning authority should consult the local highway authority concerned before granting permission for development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified or proposed road, or to prejudice the improvement or construction of such a road, or involving a means of access to a highway other than a trunk road.

Under the Local Government Finance Act 1988 the Department of Transport gives Transport Supplementary Grant to highway authorities for highway and traffic management schemes on roads of more than local importance.

Under the Industrial Development Act 1982 the Department of Transport gives grants to county and district councils to build industrial access roads.

Highways – Street Management

Functions and legislation

Local authorities have a wide range of statutory duties which relate to the efficient management of their streets. These include: naming streets and numbering houses; providing street lighting and preventing obstructions during public processions. Additionally, local authorities have responsibility for seats, statues and drinking fountains in streets, the fencing of lands which adjoin streets, for regulating the leading or driving of animals and for dealing with stray cattle.

Tiers of local government responsible

Street management functions, where they exist, are vested in district councils and London borough councils but they are not necessarily of general application. Some apply throughout England, some only outside Greater London, some only in the areas of former county and municipal boroughs and urban districts, and some are adoptive (that is they apply only to the extent that authorities have resolved to adopt them, and the resolutions may have been before or after the reorganisation brought about by the Local Government Act 1972, so that the area of application is not necessarily the same as current local authority boundaries).

Links with other agencies

Local authorities work closely with the Police and the Post Office.

Policy objectives

Local authorities should maintain and manage their streets efficiently.

Highways – Stopping up and Extinguishment of Vehicular Rights

Functions and legislation

Under the Town and Country Planning Act (TCPA) 1990 the Secretary of State has powers to authorise the stopping up of highways to enable the implementation of planning permission and other permitted development, or in the interests of traffic safety and convenience on a new or improved highway, and to make orders extinguishing the right to use vehicles on a highway. Local authorities or developers may apply to the Secretary of State to stop up a highway. The views of local authorities as highway authorities are sought on such applications.

Local planning authorities, whether or not they are the highway authority, may apply to the Secretary of State to make an order to extinguish vehicular rights on other than trunk or principal roads where they have made an appropriate resolution to adopt a proposal for improving the amenity of part of their area which involves a highway. Where the authority is not also the highway authority for that highway the view of the highway authority is required.

The TCPA 1990 also gives local authorities powers to stop up footpaths and bridleways affected by development or over land held for planning purposes, and (along with the Secretary of State) power to authorise temporary stopping up for mineral workings.

The Highways Act 1980 gave local authorities various powers: to local highway authorities to make orders authorising the stopping up of highways (and/or private means of access) in connection with the construction of a new classified road or special road or the improvement of an existing one; to enable the stopping up or diversion by order of footpaths and bridleways across railways.

Tiers of local government responsible

Orders can be put forward by either county or district councils, depending on the particular provisions involved, and both would be consulted by the Government over a scheme. In general the function would be more onerous on a highway authority (usually county council) than other local authorities.

Links with other agencies

There should be consultation with other authorities with an interest (district councils), statutory undertakers, emergency services and local businesses and residents.

Policy objectives

The objectives are that where stopping up, diversion or pedestrianisation is being considered local authorities should ensure that suitable alternative routes exist and take account of the effect the stopping up of the highway would have on access.

Public Rights of Way – Maintenance, Improvement and Protection

Functions and legislation

Under the Highways Act 1980 local authorities which are highway authorities have a duty to maintain certain highways and powers to improve those and other public rights of way, including private bridges. They also have a duty to protect the public right of way (all local authorities are empowered to do so); and there is a wide range of specific powers enabling them to take action for this purpose. Other powers include:

- (i) provision of guard rails;
- (ii) provision of margins for horses and livestock;
- (iii) widening public rights of way;
- (iv) erection of fences and boundary posts;
- (v) construction of footbridges;
- (vi) authorising the erection of gates and stiles;
- (vii) removal of barbed wire; and
- (viii) provisions in relation to dangerous land.

Tiers of local government responsible

With the exception of item vi which is shared by the shire county and district councils, responsibility for the maintenance functions described above resides with county councils, metropolitan district councils and London borough councils. However, these functions are often delegated to district level, and districts may also exercise certain maintenance powers. Only county councils have a specific duty to assert and protect the right of the public to use rights of way and to keep them free of obstructions and this duty can be enforced against them through the Courts. In the metropolitan county areas, metropolitan district councils are responsible for these functions.

Links with other agencies

Local authorities work closely with the Countryside Commission to find ways to improve their management of the rights of way network. Responsibility within the authority may rest with various departments, principally highways, in which case there will be close liaison with planning departments and others.

Policy objectives

Rights of way are important as recreational and tourism assets, and the objective is that authorities should use all their available powers to ensure that all rights of way are brought into good order by the year 2000.

Rights of Way – Walkways
Functions and legislation

The Highways Act 1980 enables a local authority to enter into an agreement with the owners of an existing or proposed building for the purpose of dedicating ways over, through or under the building, as walkways. These are defined as a special form of footpath which forms part of private buildings and is often above ground level: they have the status of public rights of way, but may be subject to limitations and conditions on use. Provision can be made in agreements under this Act for the lighting, maintenance, support etc of the walkways, for the termination of the public right of way, and for other matters.

Because it is inappropriate, given the location of walkways within private property, that highway enactments and the powers of statutory undertakers in relation to highways should apply unreservedly to them, regulations have been made suspending or amending certain provisions of this kind. They are the Walkway Regulations 1973, (SI 1973 No. 686) as amended by the Walkway (Amendment) Regulations 1974 (SI 1974 No. 735). The regulations also define the manner and circumstances in which walkways may be closed or stopped up. From a building owner's point of view, the advantage of dedicating walkways is that, while fully protecting his interest, they attract the provisions of highway law that apply to footpaths, and extend to them the normal functions of the police and magistrates.

The local authority can make bye-laws applying to the walkways. Such bye-laws are enforceable only if confirmed by the Secretary of State.

Tiers of local government responsible

A county or district council may make walkways bye-laws. However, a walkway agreement may only be entered into where a local authority and a building owner are not one and the same. County and district authorities may enter into agreements where one is the highway authority and the other is the building owner. Agreements may not be made between different parts of the same authority.

Links with other agencies

Any local authority making walkways bye-laws will need to consult businesses and others affected by the proposals and the police who are responsible for enforcing the bye-laws.

Policy objectives

The objective is for local authorities to prepare walkway byelaws which are reasonable, enforceable and do not conflict with the general law.

Changes to the Right of Way Network
Functions and legislation

Powers are available under the Highways Act 1980 to enable local authorities to create footpaths or bridleways by order or agreement, and to make orders to stop up or divert such rights of way. Powers are also available to stop up or divert public paths affected by the creation of new roads and to stop up paths on land acquired by compulsory purchase under the Acquisition of Land Act 1981. Temporary stopping up or diversion orders may be made to enable agricultural operations to take place or to repair or widen the existing highway. Orders may also be made under the Road Traffic Regulation Act to control or regulate the use that is made of a particular highway.

Orders to stop up, improve or divert footpaths and bridleways can also be made under the Town and Country Planning Act 1990, where this is considered necessary to enable development to take place. Orders can also be made to extinguish paths over land held by the local authority for planning purposes and to suspend or divert paths temporarily to enable mineral

Tiers of local government responsible

extraction to take place. Authorities can apply to the Secretary of State to make an order to extinguish vehicular rights over particular highways, and can also acquire land needed in relation to public path orders made by him.

Links with other agencies

The power to make public path orders is available to both county councils and district councils. County councils, London borough councils and metropolitan district councils are able to make traffic regulation orders, or to acquire land needed in relation to Secretary of State orders. County councils may apply to the Magistrates' Court for an order to stop up or divert the use of highways under the 1980 Act.

Policy objectives

The order-making authority consults with those other authorities within whose area the path is situated and those agencies whose interests are likely to be affected. There is close liaison with user groups, including formal notification of orders, and a number of county authorities have established Access Liaison Groups with representatives of users and landowners (including public bodies).

The objectives are to ensure that:

- the integrity of the rights of way network is maintained;
- the order making procedure deals fairly between the interests of users and landowners and that the criteria are properly followed;
- the necessary framework exists for rationalisation (updating) of the network, to the benefit of both users and landowners, including the creation of paths where there is a need.

Traffic Regulation – Access and Waiting *Functions and legislation*

Local authorities have wide powers under the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991, and the Road Traffic Act 1991. These powers enable them to make traffic regulation orders to regulate vehicular and pedestrian traffic on the highway including the creation of bus priority measures; the prohibition or restriction of waiting or loading or unloading of vehicles; and the prohibition of the use of roads by, for example, through traffic or heavy lorries. The Road Traffic (Temporary Restrictions) Act 1991 further amends the 1984 Act powers to make temporary orders and notices.

The Road Traffic Act 1991 includes provision to decriminalise most no-waiting "yellow line" offences in London and to allow the London boroughs to undertake enforcement and retain the revenues from penalty charges. Counties and metropolitan districts will, from later in 1993, be able to apply to the Secretary of State for Transport for extension of these powers to all or part of their areas.

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989 lay down the procedures that local authorities must follow when making most traffic orders. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 provide procedures for making temporary orders and notices.

Tiers of local government responsible

Traffic regulation orders on local roads are made by county councils, metropolitan district councils and London borough councils. County councils have in many cases delegated order-making powers to district councils under powers conferred by the Local Government Act 1972.

Links with other agencies

Local authorities are required to consult the police and organisations representing persons who use any road to which the order relates or who are likely to be affected by the order. The police and the fire authority must be notified when the order is made. Temporary orders and notices in most cases require only notification to the police and fire authority before they are made; however, if they are likely to affect a road subject to a concession under the New Roads and Street Works Act 1991, the concessionaire must be notified.

Policy objectives

The objective is to promote the effective management and use of the road network which secures a reasonable balance between the conflicting needs for movement and access, having regard to safety, the need to facilitate passage of public transport and the effect on amenities.

Traffic Regulation – Parking and Car Parks

Functions and legislation

Local highway authorities have wide powers under the Road Traffic Regulation Act (RTRA) 1984, as amended by the Road Traffic Regulation (Parking) Act 1986, the Parking Act 1989, the New Roads and Street Works Act 1991, the Road Traffic Act 1991 and to be amended by the Road Traffic (Temporary Restrictions) Act 1991. These powers enable them to regulate both on and off-street parking and to provide off-street parking.

The orange badge scheme of parking concessions for disabled and blind people came into operation under regulations made under the Chronically Sick and Disabled Persons Act 1970. Regulations made under the RTRA 1984 require vehicles displaying the orange badge to be exempt from certain parking restrictions and charges. The day to day administration of the orange badge scheme is the responsibility of local authorities acting in accordance with regulations made by the Department of Transport. New regulations came into force in March 1992.

Tiers of local government responsible

Traffic regulation orders are made by county councils, metropolitan district councils and London borough councils. County councils have in many cases delegated order-making powers to district councils under powers conferred by the Local Government Act 1972.

Links with other agencies

Local authorities are required to consult organisations representing persons who use any road to which the order relates or who are likely to be affected by the order. The Chief Officer of Police and the fire authority must be notified when the order is made.

Policy objectives

The objective is that the costs of parking should generally be borne by users, and should not fall as a burden on the local tax payer. For new provision of off-street car parks the Department encourages local authorities to look to the private sector.

The Orange Badge Scheme should ensure that a balance is maintained between the concessions provided for disabled people and the needs of the rest of the community.

Road Safety

Functions and legislation

The Road Traffic Act 1988, (as amended by the Road Traffic Act 1991) requires each local authority to prepare and carry out a programme of measures designed to promote road safety and may make contributions towards the cost of measures for promoting road safety taken by other authorities or bodies. Measures can include education and training, safety audits and road safety engineering.

Tiers of local government responsible

County councils are responsible for this function. Some enter into agency arrangements with district councils to carry out works on certain local roads.

Links with other agencies

Main agency links are with the Royal Society for Prevention of Accidents in relation to training of road safety officers and with the police on enforcement.

Policy objectives

Since 1987 the Government's objective has been to reduce casualties by one third by the year 2000. Local authorities have committed themselves to work with the Government to achieve this. They estimate that under current arrangements approximately 11% of all casualties will be saved by small-scale engineering schemes.

Licensing of Taxis and Private Hire Cars

Functions and legislation

The Town Police Clauses Act 1847 as amended by the Transport Act 1985 gives local authorities outside the Metropolitan Police area the power to license taxis, their proprietors and their drivers. They may also make bye-laws as to their conduct. Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 make further provision for the licensing of taxis and their drivers, including, in the 1985 Act, discretionary powers to license private hire vehicles (phvs). A local authority must adopt Part II of the 1976 Act before its provisions come into effect in that area. Local authorities may, under those provisions, attach to licences such conditions as they consider reasonably necessary.

Local authorities may also fix the maximum fares for taxis, but not phvs, test and approve taximeters, and appoint taxi stands (ranks). Under the Public Health Acts Amendment Act 1890, local authorities have powers to erect cabmen's shelters.

The 1985 Act also enables district councils to make schemes under which taxis can carry passengers at separate fares ("taxi sharing").

Tiers of local government responsible

District councils. In the Metropolitan Police area local authorities have no powers to license either taxis or phvs or their drivers. The power to do so lies with the metropolitan police under separate legislation.

Links with other agencies

Where a district council has adopted Part II of the 1976 Act or has equivalent local powers, it may, by virtue of the Road Traffic Act 1991, require the police to carry out criminal record checks on licence applicants.

Policy objectives

The main objectives are to ensure adequate regulation for safety and consumer protection and to minimise burdens and economic regulation.

A review of taxi and phv licensing in London is at present underway, and it is possible that, if changes emerge from this review, they may be applied more widely in the country.

Minibus Permits

Functions and legislation

The Transport Act 1985 enables certain designated bodies (including local authorities) to issue minibus permits which exempt holders from the need to hold a Public Service Vehicle operators' licence. This Act enables a designated body to grant a permit to itself but a council should not grant a permit to one of its departments. Under regulations under the 1985 Act councils have power to grant permits to bodies concerned with health and welfare services eligible for grants under the Health Services and Public Health Act 1968; bodies assisting or coordinating the activities of community groups in the area; or schools or other bodies connected with education (if they fulfil the authority's duties under the Education Act 1944).

Tiers of local government responsible

County councils, district councils and London borough councils are all designated bodies.

Links with other agencies

Other agencies will primarily be the bodies concerned with health and welfare, including some charities.

Policy objectives

The main objectives are to simplify the procedures in authorising the carrying of passengers for hire or reward in minibuses where the purpose is charitable or voluntary, rather than commercial.

Tolled Crossings

Functions and legislation

Most tolled crossings in England are operated under specific legislation. The operators may be local authorities or private companies. The principal local authority crossings in England are the Humber Bridge, Itchen Bridge, Mersey Tunnels, Tamar Bridge and Tyne Tunnels.

Under the provisions of the Transport Charges Etc (Miscellaneous Provisions) Act 1954 or specific legislation the operators of a crossing may need to apply to the Secretary of State for Transport for authority to implement toll increases.

Tiers of local government responsible

Tolled crossings may be operated by county or district councils, passenger transport authorities or, in the case of the Tamar Bridge, by a joint authority.

Links with other agencies

No other agencies are involved.

Policy objectives

Over the last 30 years all Governments have defended tolling. Current policy was set out in a Memorandum to the House of Commons Transport Select Committee on 17 April 1985, and the Government's Response to the Report of the Transport Committee on Tolled Crossings of 18 July 1986. This policy is to:

- defend the tolling of estuarial crossings on the grounds of the high cost of their provision and the exceptional benefits they give to their users;
- rebut arguments that the Government should direct resources to discharge debts or end tolling; but
- allow that there may be exceptional cases – like the Humber Bridge – where the possibilities of the enabling legislation (in terms of raising tolls and precepts) have been exhausted and the Government may need to assist in finding a solution to the financial problems.

Public Transport – General
Functions, legislation and tiers of local government responsible

Under the Transport Acts 1968 and 1985 county councils and Passenger Transport Authorities (PTAs) have a duty to secure such public passenger transport services as they consider appropriate and which would not otherwise be provided. Shire district councils have a concurrent power. These duties/powers are chiefly used to procure rail services (PTAs) and subsidised bus services (county councils and PTAs). In the metropolitan areas the PTAs are joint boards of the constituent metropolitan districts and are responsible for broad policy. For each PTA there is a corresponding Passenger Transport Executive (PTE) established under the 1968 Act to administer PTA policy.

These Acts also give county councils and passenger transport authorities powers to take any measures that appear to them appropriate to promote the availability of public passenger transport in their area. This power is used by most authorities to provide information about passenger transport services in their area. In exercising their power they must not inhibit competition between persons providing public transport services.

Under the 1985 Act the responsible bodies may incur revenue expenditure to maintain or improve facilities for the operation of public transport services other than bus services.

Under private legislation (local Acts, and orders under the Light Railways Act 1896), some Passenger Transport Executives and local authorities have powers to operate light railways or trams, and trolley buses. A number of local authorities operate cliff lifts authorised by an order under the 1896 Act.

Passenger Transport Executives and local authorities have powers to promote or acquire tramway undertakings and make bye-laws relating to tramways under the Transport and Works Act 1992.

Under the Public Passenger Vehicles Act 1981, as amended by the Transport Act 1985, county and district councils have the right to object to the grant of a Public Service Vehicle Operator's Licence.

Links with other agencies

Links are necessary with British Rail, and with bus companies for procuring bus and any other subsidised services, and with all providers of public transport for the purposes of compiling information about public transport services in the area. So as to aid them in their task of providing information and deciding what subsidised services to run, county councils and passenger transport authorities also receive automatically from the bus operators copies of bus service registrations.

Policy objectives

It is for local authorities to decide what public passenger transport services to procure. The Government believes that in most areas some subsidised bus services will be necessary, particularly to supplement commercial services in the evenings and on Sundays, and to provide services for isolated rural communities. Local authorities should cooperate with bus companies and other transport providers to ensure that there is a source of comprehensive information about local services, provided either by the local authority or by the bus companies and other providers or by both in cooperation.

Public Transport – Tendered Bus Services
Functions and legislation

County councils, Passenger Transport Executives and district councils have powers to secure the provision of tendered bus services under subsidy. Under the Transport Act 1985 they have a duty to provide services they consider are socially necessary eg generally evening and Sunday services in urban areas

and services to rural communities, and which are not already provided on a commercial basis, after competitive tender. They are required in the exercise and performance of these powers not to inhibit competition between persons providing or seeking to provide public passenger transport services.

Tiers of local government responsible

Although county councils, PTEs and district councils have concurrent powers in most cases it is the county council and PTE that provides tendered bus services in their areas.

Links with other agencies

Links are necessary with all local bus operators and the local Traffic Commissioner in order to determine what additional services the authority needs to consider providing under subsidy. Links with other authorities may be necessary where cross border services are to be provided.

Policy objectives

To give local authorities restricted powers to provide tendered bus services to complement those already run by bus operators on a commercial and competitive basis.

Public Transport – Bus Undertakings

Functions and legislation

The Transport Act 1985 removed the powers of Passenger Transport Executives and most local authorities to operate buses, except for free school transport, certain social services functions and some small bus undertakings. Certain district councils own arms-length “public transport companies”, formed from their previous bus undertakings as a result of the Act. Similarly, certain passenger transport authorities own their public transport companies formed from the previous PTE bus operation. The residual functions of local authorities in relation to bus undertakings are set out in the 1985 Act and there are detailed provisions on the procuring of bus services.

Tiers of local government responsible

Only district councils which previously ran bus undertakings and passenger transport authorities own public transport companies. There are no powers for either them or other authorities to establish new ones. Some public transport companies have been sold into the private sector.

Links with other agencies

None.

Policy objectives

The objective is that these companies should be in the private sector. Local authorities are encouraged to use their powers under the Transport Act 1985 to dispose of their bus companies.

Public Transport – Bus Stations and Bus Stops

Functions and legislation

Local authorities have powers under the Road Traffic Regulations Act 1985 to provide bus stations, bus parking places and associated facilities. Some county councils use their powers under this Act to promote the availability of public passenger transport services to provide bus stations and bus stops. Passenger Transport Authorities/Executives have similar powers under the Transport Act 1985. All have taken a major role in co-ordinating travel information and some have provided large bus/rail interchange facilities.

The responsibility for providing a lay-by within a highway for a bus stop lies with the highway authority – county councils, metropolitan district councils, or London borough councils.

Local authorities also have some responsibilities for bus stop signs, which are authorised traffic signs under the Road Traffic Regulation Act 1984.

	<p>Bus shelters are provided either by the bus operators or the local authority. The Parish Councils Act 1957 enables parish and community councils to provide shelters for the use of the public in any road within the parish.</p>
<i>Tiers of local government responsible</i>	County councils, district councils, passenger transport authorities, and London borough councils.
<i>Links with other agencies</i>	Links with the bus companies, highway authorities and the police are necessary for this function.
<i>Policy objectives</i>	The objective is that local authority and PTA/PTE roles should be to supplement facilities provided by bus companies where necessary and that there should be no discrimination between operators in the way in which local authorities undertake this role.
<p>Public Transport – Concessionary Fares <i>Functions and legislation</i></p>	<p>In the shires – county and district councils, and in the metropolitan areas – Passenger Transport Authorities/Executives and metropolitan district councils, have concurrent powers to operate travel concessions schemes. Under the Transport Act 1985 and regulations made under it they may grant travel concessions on any public passenger transport service in their area. They may also make arrangements with the area authority adjoining. Local bus operators have a right to participate in any concessionary fare scheme. Additionally, local authorities and PTAs have a power to compel their participation. The legislation enables both local authorities and bus operators to apply to the Secretary of State for changes in participation arrangements.</p>
<i>Tiers of local government responsible</i>	In the shires, although county and district councils have concurrent powers, in most cases the concessions are provided by the district councils. In the metropolitan areas in most cases they are provided by the Passenger Transport Authorities/Executives.
<i>Links with other agencies</i>	Links are necessary with the local bus operators. British Rail and other transport operators are also involved if an authority chooses to extend its scheme to cover rail or other forms of local transport.
<i>Policy objectives</i>	The applicable categories of person to benefit from concessionary fares are laid down in the Transport Act 1985 and regulations. The existence, scope and generosity of individual schemes are for local authorities and PTAs to decide within the limits laid down.
<p>Public Transport – Special Needs Transport <i>Functions, legislation and tiers of local government responsible</i></p>	<p>Local authorities have a duty under the Transport Acts 1968 and 1985 to have regard to the transport needs of members of the public who are elderly or disabled. Under the Acts, county and district councils, as well as passenger transport authorities and passenger transport executives, have powers to make grants for providing or improving transport facilities for disabled people. Many authorities use these powers to provide or procure special needs transport.</p>
<i>Links with other agencies</i>	Social services departments and the local health authority.
<i>Policy objectives</i>	The objective is that transport should be provided for people with a mobility handicap. While it is for local authorities to decide what is appropriate for their area, they should consider this within the overall context of transport

provision and the need for more accessible services and facilities across the board.

Public Transport Infrastructure

Functions and legislation

The Transport Act 1968 enables any local authority or passenger transport authority, or any two local authorities acting jointly, to make payments to any other person towards capital expenditure on the provision, improvement or development of public passenger transport facilities which benefit their area, if the Secretary of State for Transport is satisfied that the project is in accordance with the general transport planning for the locality. Payments cannot be made for airports, harbours or docks, ferries or jetties not connected with a ferry service. The powers may be used for light railways, trolley bus systems, guided buses, new rail lines, the re-opening of old lines to passenger transport and to build or improve railway stations for local British Rail services.

The Transport and Works Act 1992 (which is likely to come into force by the end of 1992) establishes a Ministerial order-making procedure for authorising the construction and operation of (inter-alia) railways, tramways, systems using other modes of guided transport and trolley vehicle systems. The new procedure is designed to replace private Bill procedures under which local authorities and other bodies have sought approval for such transport works schemes.

Tiers of local government responsible

All local authorities and PTEs have powers under the Transport Act 1968 as set out above. The Transport and Works Act 1992 enables bodies which have power to promote private Bills in Parliament to apply to the Secretary of State for Transport for an order making power under the Act. This means that any PTA/PTE, county, district or London borough council may apply for an order, which is unique to the authority named in the Act.

Links with other agencies

Any projects involving existing British Rail infrastructure require links with British Rail. The Government encourages local authorities with capital projects to seek finance from local developers.

Policy objectives

It is for local authorities and PTAs to take a view on what infrastructure is needed for their area. The Government will only provide grant and credit approvals if the project is deemed major and passes tough appraisal criteria.

Rail Services

Functions and legislation

In the metropolitan areas in accordance with policy set by the PTAs, PTEs have specific powers under the Transport Act 1968 to reach agreement with British Rail (BR) on the provision of appropriate local rail services. PTAs/PTEs are able to use these powers up to 25 miles outside metropolitan county areas. They specify frequencies and fare levels, and pay BR the difference between operating costs and fare levels. In the shire counties, BR (Regional Railways and Network SouthEast) is responsible for deciding what services to run, and receives a subsidy from the Government to maintain the present overall level of service under the "Public Service Obligation" (PSO) arrangements under the Railways Act 1974. Some shire county councils however use their powers under the Transport Act 1968 to make capital grants to BR for the improvement of railway facilities in their area (see section on public transport infrastructure) and their powers under the Transport Act 1985 to provide revenue subsidies for BR to run extra services in addition to the PSO-supported ones.

Tiers of local government responsible

The 1968 Act powers are concurrent for county and district councils but in practice apply only in the metropolitan districts. The 1985 Act powers are also concurrent for county and district councils but in practice they are used by only a small minority of district councils.

Links with other agencies

British Rail.

Policy objectives

There should be no great need for local authority support for rail services outside the metropolitan areas, given BR's PSO responsibility. It is for individual authorities to decide whether any "topping up" is needed.

Ports

Functions and legislation

Local authority ports range from river ferry quays and other landing places of purely local significance to a few nationally significant trading harbours. There are 45 statutory harbours in England which are attached to local authorities. The main legislation is in the form of local Acts, supplemented in some cases by Harbour Revision Orders (HROs) made under the Harbours Act 1964. These local Acts have many provisions in common with those of other statutory harbour authorities ('trust port' authorities, statutory and other companies, etc) such as provisions selected from the Harbours etc Clauses Act 1847 and provisions relating to local circumstances.

A local authority can use HRO procedure to convert its statutory harbour undertaking into a company. This procedure is potentially cumbersome because of the scope for objections and has actually been used only once, by the Borough of Boston, as the means to sell its port undertaking.

Some local authorities nominate or appoint members to statutory 'trust port' authorities. Any successor authorities will need to assume these functions, as well as the function of actually running a port.

Most ports have private operators as tenants. In some places these account for most or all of the capital investment and trade handled. In the few cases where local authorities as port authorities handle large volumes of business on their own account, current policy is to encourage privatisation by means of lease-out (for example Bristol's commercial docks) or conversion into a company which can be sold to the highest bidder (as at Boston).

Tiers of local government responsible

County councils and district councils.

Links with other agencies

There are links with HM Customs and Excise, the Home Office Immigration Service, and the Health and Safety Executive.

Policy objectives

The objective is for local authorities to divest themselves of major ports or to involve the private sector in their operations.

Ferries

Functions and legislation

The Ferries (Acquisition by Local Authorities) Act 1919 enables local authorities to take over and operate existing ferry undertakings. Local authority ferries have also been authorised under private acts.

County councils, in their role as local highway authorities, have powers to provide and maintain new road ferries defined in the Highways Act (HA) 1980 as a ferry connecting highways maintainable at public expense and improve existing ones under the HA 1980 and the National Parks and Access

to the Countryside Act 1949. The HA 1980 defines improvement as including freeing a road ferry from tolls. Local authorities also have powers to acquire land for road ferries under this Act.

Tiers of local government responsible

County and district councils have concurrent powers in respect of passenger ferries. Ferries are run by county or district councils but both the Merseyside and the Tyne and Wear Passenger Transport Executives operate passenger ferries. Councils of counties, metropolitan districts and London boroughs have powers as highway authorities to provide road ferries.

Links with other agencies

None.

Policy objectives

The objective is to meet the very limited need for publicly operated ferries.

Airports

Functions and legislation

Local authorities can carry on airport undertakings, own shares or other securities of an associated public airport company (an associated public airport company is one in which a council is a controlling authority or one of its controlling authorities), and acquire securities of other airport companies.

The main relevant legislation is the Civil Aviation Act 1982 and the Airports Act 1986.

Tiers of local government responsible

The powers under the Civil Aviation Act 1982 apply to county councils, district councils and London borough councils. The powers under the Airports Act 1986 may be exercised by any county, district, or London borough council, but the decision that any particular airport be structured as a public airport company may be taken by the Secretary of State as well as the owners.

Links with other agencies

Airports are a rather self-contained functional area. The main link is the Civil Aviation Authority, which is responsible for licensing airports (covering both managerial and financial competence and operational safety). Airports designated under the Aviation Security Act 1982 are policed by means of a permanent presence by the police forces for their areas. Manchester and Birmingham airports have been so designated. At other airports the police respond to incidents as necessary from outside. Airports have some links with the local authority fire services, though the airports have their own fire establishments and equipment.

Policy objectives

Almost all English local authority airports are regional airports. The general policy objective is to encourage the use and development of regional airports so that they can meet the maximum demand they can attract. More specific objectives are to encourage the involvement of the private sector in their operation and development and to encourage them to meet consumer demand safely and efficiently without cost to the national and local taxpayer.

MOT Tests

Functions and legislation

Under the Road Traffic Act 1988 the Secretary of State may designate local authorities to carry out roadworthiness tests of buses, cars, light goods vehicles, and motorcycles. 162 local authorities – compared with 17,000 mainly private sector authorised examiners – have been so designated.

Tiers of local government responsible

County councils and district councils.

Links with other agencies

Designated councils' main working link is with the Department of Transport's Vehicle Inspectorate.

Policy objectives

Local authorities should carry out the tests to the high standards expected of private sector garages.

Environmental protection

Waste Regulation

Functions and legislation

The Environmental Protection Act 1990 (EPA), separated local authorities' waste regulatory and operational functions. The main waste regulation functions, as provided by Part II of the EPA, the Control of Pollution (Amendment) Act 1989 and the Transfrontier Shipment of Hazardous Waste Regulations 1988, are the issue and enforcement of waste disposal licences, control of special waste, registration of carriers, drawing up waste disposal plans and control over the import and export of waste. There is also an important function in assisting with the implementation of the new statutory duty of care.

Many of the provisions contained in Part II of the EPA have yet to be implemented. The original licensing regime, provided by the Control of Pollution Act 1974, is still in force. It is planned that the new EPA licensing regime will be introduced in April 1993. Other new provisions, such as the duty of care in waste management, and the registration of carriers scheme came into force on 1 April 1992.

Tiers of local government responsible

Under the EPA, responsibility for waste regulation functions will lie with the waste regulation authorities (WRAs). These are designated as county councils and metropolitan district councils. For Greater London, Greater Manchester and Merseyside there are specific statutory joint authorities. (Merseyside and Greater Manchester – except Wigan MBC – are also responsible for waste disposal.)

The metropolitan districts which are not constituent members of statutory authorities have formed themselves into voluntary groupings for the purposes of carrying out waste regulation functions (in some cases they have responsibility for waste disposal as well). These groupings cover West Yorkshire, South Yorkshire, West Midlands and Tyne & Wear. All the waste regulation authorities, including the joint authorities, across the country have further organised themselves into eight regional groupings.

A new independent Environment Agency has been proposed which would take on responsibility for most local authority waste regulation functions.

Links with other agencies

The Secretary of State is advised on the discharge of WRAs' functions by Her Majesty's Inspectorate of Pollution. The National Rivers Authority also has a strong interest in waste regulation matters in combatting any threat of pollution to controlled waters caused by disposed waste. They are designated as a statutory consultee on several licensing matters. The Health and Safety Executive is also a statutory consultee for the purposes of issuing a waste management licence. The Nature Conservancy Council should also be consulted as a matter of course when a licence is sought for a site on land notified under the Wildlife and Countryside Act 1981.

Policy objectives

Key objectives for the future of waste regulation functions are to implement fully the waste management licensing system provided by the Environmental Protection Act, in order to strengthen the powers of waste regulation authorities; and to ensure that waste regulation authorities apply the regulatory standards in a consistent and uniform manner so that all waste is handled, transported, treated and disposed of in a way that minimises its effect upon the environment.

Refuse Collection

Functions and legislation

Local authority responsibilities for refuse collection are laid down in the Environmental Protection Act 1990 and the Controlled Waste Regulations 1992. These provisions largely re-enact those in the Control of Pollution Act 1974.

Waste collection authorities:

- are under a duty to arrange for the collection of all household waste;
- must collect any commercial waste if requested;
- are under a duty to: make such arrangements for the emptying of privies as they consider appropriate, free of charge; and if requested, remove the contents of a cesspool;
- must deliver to a disposal authority all waste which is collected (except waste which it intends to recycle see also section on recycling).
- may collect any industrial waste;
- must charge for commercial and industrial waste collection unless, in the case of commercial waste, they consider it inappropriate to do so;
- may construct, lay and maintain pipes and associated works for the purpose of collecting waste, or may contribute towards the costs incurred by any other person;
- may contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with household, commercial or industrial waste;
- may require a householder to place household waste in a specified receptacle, provided that the receptacle is given by the authority free of charge;
- may, if requested, supply, for a fee, receptacles for commercial or industrial waste; and
- may require commercial or industrial waste which is likely to cause a nuisance to be stored in certain types of receptacles.

The Refuse Disposal (Amenity) Act 1978 gives district councils and London borough councils a power to remove abandoned vehicles and recover the removal costs either from the owner of the vehicle or from the owner of the land on which it has been abandoned.

Tiers of local government responsible

District councils and London borough councils are designated waste collection authorities.

Links with other agencies

Waste disposal authorities arrange for the disposal of waste collected by waste collection authorities.

Policy objectives

Key objectives are for waste collection authorities to be clear about their responsibilities for the collection of waste and to protect the quality of their local environment through regular and efficient collection.

Waste Disposal

Functions and legislation

Part II of the Environmental Protection Act 1990 requires local authorities to separate their waste disposal and regulation functions. Separation should have been achieved by 1 April 1992. Waste disposal authorities must not operate waste disposal facilities themselves. They must enter into appropriate arrangements with the private sector or transfer their waste disposal operations to "arm's length" local authority waste disposal companies (LAWDCs) whose activities will be limited to the collection, keeping, treatment and disposal of waste and incidental activities such as consultancy work.

Waste disposal authorities have a duty to make arrangements for the disposal of the controlled waste collected in their areas. When they have divested themselves of their direct disposal operations, their main responsibility will be the tendering of disposal contracts and the directing of waste collection authorities (district councils) about where waste is to be delivered.

Disposal authorities will retain their duty to arrange for the provision of civic amenity sites which are reasonably accessible to residents and available for the deposit of household waste at all reasonable times. These sites will be provided by contractors, unless a disposal authority receives approval from the Secretary of State for their retention. If agreement is obtained, the sites will be managed by contractors.

Tiers of local government responsible

Under the current arrangements set out in the Control of Pollution Act 1974 and the Local Government Act 1985, waste disposal authorities are county councils, metropolitan district councils and statutory single-purpose authorities for Greater Manchester (with the exception of Wigan), Merseyside, and four areas of London. In the areas of London not covered by the statutory authorities, individual borough councils have the responsibility.

Policy objectives

The main objective for the future of waste disposal operations is to achieve higher standards of waste disposal through a new obligation to take account of environmental factors in letting contracts and greater efficiency through the introduction of competition.

The future arrangements for waste disposal planning under the proposed Environment Agency are considered in the consultation paper "Waste Disposal Planning Under An Environment Agency" which was published in August 1992 by the Department of the Environment and the Welsh Office.

Litter

Functions and legislation

The Environmental Protection Act 1990 places local authorities under a duty to ensure that their land is kept clear of litter and refuse, so far as is practicable. Land in this context is land which is open to the air, which is under direct control of the local authority and to which the public are entitled

or permitted to have access with or without payment, although school land need only be open to the air. Highways must also be kept clean and clear of litter and refuse.

Local authorities must have regard to a statutory Code of Practice which describes standards of cleanliness which should be achievable.

The Act also gives local authorities powers to: introduce fixed penalty notices for littering; appoint litter wardens; impound abandoned shopping trolleys; issue street litter control notices to deal with litter outside certain commercial premises; and designate certain areas of land as litter control areas, thus imposing the litter duty on the occupier of the land so designated.

Tiers of local government responsible

The duty to keep land clear of litter and refuse is placed on county councils, district councils and London borough councils.

The duty to keep highways clear of litter and clean is placed on district councils and London borough councils.

The Secretary of State may transfer the duty as respects highways from a district council to a county council in exceptional circumstances. No such transfer has taken place.

Links with other agencies

There is no direct link with other agencies, although statutory transport undertakers, Government departments and schools are also under the duty.

Policy objectives

The objective is to secure improvements in the cleanliness of streets and open spaces.

Recycling

Functions and legislation

Waste collection authorities (district councils or London borough councils) may collect waste and sort it for recycling if they have notified their waste disposal authority. They are also responsible under the Environmental Protection Act 1990 for producing recycling plans setting out the arrangements the collection authority has made for recycling in its area.

Waste disposal authorities (county councils except in metropolitan counties and London where responsibilities are divided between metropolitan district councils and statutory joint authorities) also have powers to arrange for waste to be recycled. They are required, when drawing up specifications for disposal contracts, to consider the desirability of including terms which maximise recycling.

Tiers of local government responsible

County councils, district councils, London borough councils. Waste regulation authorities are required to consider recycling when preparing their waste disposal plans (see section on waste regulation).

Links with other agencies

None.

Policy objectives

The objective is for local authorities to arrange for the collection (and in some cases sorting) waste for recycling where that makes economic and environmental sense.

Control of Dumping
Functions and legislation

The Environmental Protection Act 1990 places county councils under a duty to provide civic amenity sites where residents of the area may deposit their household waste for disposal.

Tiers of local government responsible

County councils act as the waste disposal authorities

Links with other agencies

None.

Policy objectives

The objective is to encourage the responsible disposal of household waste.

Contaminated Land
Functions and legislation

The Environmental Protection Act 1990, and the Town and Country Planning Acts and Regulations, and the Building Regulations place responsibilities on local authorities to:

- compile and maintain registers of land which may be contaminated (subject to regulations not yet issued);
- ensure appropriate action to deal with contaminated land under statutory nuisance provisions, planning and building control regulations;
- ensure implementation of guidance on assessment and clean-up criteria;
- and implement or supervise the treatment of contaminated land.

Funding to cover remediation activities is made available to local authorities by means of direct grant for redevelopment or as supplementary credit approvals where sites represent a threat to human health or a nuisance, or otherwise require emergency action.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Close working links exist between waste regulation authorities, the National Rivers Authority, Her Majesty's Inspectorate of Pollution, the Health and Safety Executive and the Nature Conservancy Council.

Policy objectives

The objective is to contribute to an integrated source of information on past and present contaminative uses of land, and to alert other authorities, developers and landowners to the possibility of contamination; and to ensure that problems arising from the contamination of land which may affect human health or property are efficiently and effectively handled.

Air Pollution Control
Functions and legislation

Part I of the Environmental Protection Act (EPA) 1990 established a new local authority air pollution control system. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 as amended by the Environmental Protection (Amendment of Regulations) 1991 and the Environmental Protection (Prescribed Processes and Substances) (Amendment) Regulations 1992, prescribe a range of industrial processes for local authority air pollution control. Operators of prescribed processes must apply to their local authority for authorisation to operate.

The main responsibilities of local authorities under the air pollution control system are:

- to determine applications for authorisation from operators of prescribed processes designated for local control;
- in doing so, to include conditions in any authorisation to ensure that the process is operated using the Best Available Techniques Not Entailing Excessive Cost (BATNEEC) to prevent and minimise or render harmless emissions to the air. Conditions must also secure compliance with the other objectives in the 1990 Act;
- to have regard to the Secretary of State's process guidance notes for specific processes in determining applications;
- to issue enforcement, variation, prohibition and revocation notices to ensure appropriate standards of control are met;
- to hold a public register giving details of all local authority and Her Majesty's Inspectorate of Pollution (HMIP) controlled processes in their area; and
- to levy charges in accordance with a national scheme prescribed by the Secretary of State.

Local authorities have powers of entry, inspection, sampling, investigation and seizure of articles or substances which are a cause of imminent danger or serious harm.

Local authorities also have responsibilities under the Clean Air Acts 1956 and 1968, as amended by the Control of Smoke and Pollution Act 1989 and by the EPA 1990, for designating smoke control areas, for policing the prohibition of dark emissions, and for the approval of grit and dust arrestment equipment and chimney heights for certain types of combustion plant where these are not prescribed processes. (The nuisance controls under the Environmental Protection Act 1990 described in the section on nuisance are also used to tackle air pollution problems.)

Tiers of local government responsible

District councils, London borough councils and port health authorities.

Links with other agencies

Local authorities have close working links with Her Majesty's Inspectorate of Pollution (HMIP), who are responsible for the parallel system of Integrated Pollution Control (IPC), and with the Health and Safety Executive and English Nature who are statutory consultees for applications for authorisation under Part I of the Act. Close liaison is also required with planning departments.

Policy objectives

The aim of Part I of the Environmental Protection Act 1990 is to enhance industrial air pollution control, in this case for medium-polluting industrial processes, most of which had not been the subject of pollution control by prior authorisation before, in order to improve the quality of the environment and to secure compliance with relevant EC legislation, international obligations and national air quality standards.

Radioactive Substances

Functions and legislation

Local authorities are responsible under the Radioactive Substances Act 1960 (RSA 60) as amended by the Environmental Protection Act 1990 for making available to the public documents issued in connection with the Act which are sent to them by the Chief Inspector of Her Majesty's Inspectorate of Pollution (HMIP), except for cases where confidential information is involved. Such documents relate to registrations for the keeping and use of radioactive substances, and authorisations for the accumulation and disposal of radioactive waste.

Local authorities may also be required to take special precautions in respect of the disposal of radioactive waste on tips provided by them. They are consulted before an authorisation for such a disposal is issued, and if the precautions are taken in accordance with the conditions subject to which the authorisation is granted, they may recover the cost of taking those precautions from the person to whom the authorisation was issued.

Authorities are also consulted on applications for authorisation of the disposal of radioactive waste from nuclear licensed sites, and may be offered a hearing before an appointed person if it is proposed to refuse the application or grant it subject to conditions.

Local authorities have a further right to be consulted if the Secretary of State provides, or arranges for the provision of, a place for the accumulation or disposal of radioactive waste.

Local authority involvement is also proposed in two aspects of draft Regulations concerned with informing the public about radiation emergencies. Proposals have been the subject of a consultative document and are designed to implement the Euratom Directive.

County councils must prepare arrangements to ensure that the public are informed if a radiation emergency occurs.

A further set of Regulations, which have also been the subject of a consultative document, are designed to make equivalent provisions for licensed nuclear installations to those contained in Regulation 11 of the Control of Industrial Major Accident Hazards (CIMAH). County councils would be required to prepare off-site emergency plans.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

The main working links are with the Chief Inspector of Her Majesty's Inspectorate of Pollution and the emergency services.

Policy objectives

The objectives are to give the public ready access to a wide range of information produced under RSA 60, subject to the caveats of confidentiality and national security; to provide local authorities with the opportunity to comment on those applications for the disposal of radioactive waste where it is considered they have a useful contribution to offer; and to ensure that disposal of waste on local authority tips is as safe as possible.

Nuisance

Functions and legislation

The Environmental Protection Act 1990 (EPA) obliges local authorities to deal with complaints of statutory nuisance – eg nuisances from such matters

as noise, smoke, fumes, dust and smells and to take where necessary the appropriate action for nuisance abatement.

The EPA obliges local authorities to inspect their areas from time to time to detect statutory nuisances and to take reasonably practicable steps to investigate complaints made to them. If the authority is satisfied that a statutory nuisance exists they must serve a notice (an abatement notice) on the person responsible for the nuisance, or if that person cannot be found, on the owner or occupier of the premises.

Statutory nuisance provisions cannot be used where there are specific control provisions, for example pollution arising from dark smoke from a chimney which is controlled under the Clean Air Act 1956.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Environmental Health Officers should operate in conjunction with other services such as the planning or housing departments of the local authority, with port health authorities for noise nuisance, and to liaise, as particular circumstances require, with other agencies such as Her Majesty's Inspectorate of Pollution and the Health and Safety Executive.

Policy objectives

Statutory nuisance gives local authorities a means of abating or otherwise dealing with forms of local environmental pollution and nuisance where there is no specific environmental protection legislation.

**Noise Nuisance
*Functions and Legislation***

Part III of the Environmental Protection Act 1990 defines noise as one of several statutory nuisances. Local authorities are required to inspect their areas from time to time to detect statutory noise nuisances and take all reasonably practicable steps to investigate complaints of noise nuisances made to them. If the authority is satisfied that a statutory noise nuisance exists it must serve a notice (an abatement notice) on the person responsible for the nuisance, or if that person cannot be found, on the owner or occupier of the premises.

Part III of the Control of Pollution Act 1974 (COPA) gives local authorities the power to specify the way in which construction, demolition and similar works must be carried out so as to minimise noise. Requirements may be specified before work commences or after work has begun. Control is exercised by the issue of a notice which may specify the plant or machinery which is or is not to be used, the hours of operation and permitted noise levels from particular types of machinery.

In addition, Part III of COPA controls the use of loudspeakers in the streets by limiting this to certain times of day and banning the use of loudspeakers for advertising purposes. The only exception is the advertising of perishable foodstuffs such as ice-cream, which is limited to certain hours of the day.

COPA also gives local authorities the power to make orders designating all or part of their area "noise abatement zones" and specifying the classes of premises to which the orders apply. Once the local authority has made such an order it has to measure the noise emanating from the classified premises in the zone and keep a public register of the recorded noise levels. Local authorities may also require a reduction in a registered noise level.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Environmental Health Officers may regularly need to operate in conjunction with other services such as the planning or housing departments of their local authority, port health authorities and the police. Liaison with other agencies such as Her Majesty's Inspectorate of Pollution and the Health and Safety Executive is also likely to occur on a regular basis.

Policy objectives

The objectives are to give local authorities a means of dealing with noise nuisance not covered by transport legislation.

Environmental health

An overview of the work of environmental health departments

Environmental Health Departments deal with a range of issues, including the promotion of food hygiene and safety, the improvement of housing conditions, occupational health and safety and environmental protection. Around 25% of the time of environmental health staff is spent on food hygiene and safety, which includes meat inspection. A further 20% is concerned with general housing conditions, 12% with environmental protection -including noise pollution, air pollution and water quality and contamination, 9% on occupational health and safety and the remaining 35% is spent on activities such as infectious disease control and health education. (Many of these subjects are explained in more detail in separate entries elsewhere in this document.)

Environmental health work depends on close contact with local populations and environmental health departments have an important role as the first point of contact with the public on many environmental issues.

Tiers of local government responsible

District councils, London borough councils and port health authorities.

Links with other agencies

Within a local authority area, the environmental health department must operate closely with other services, such as planning and building control (eg in relation to new food premises or rented housing conversions), social services and housing. The environmental health officers in the shire districts also need close links with trading standards officers who are employed by the county councils. This is because trading standards officers have responsibility for some aspects of food law enforcement, particularly on the composition and labelling of food and they may uncover cases of chemical contamination of food which lead to outbreaks of food-borne disease. Other important links for environmental health departments are those with port health authorities, public analysts (currently appointed by county councils), the Health Education Authority, the Public Health Laboratory Service, the health authorities (particularly with consultants in communicable disease control for outbreaks of food poisoning), the Health and Safety Executive and with Her Majesty's Inspectorate of Pollution.

Policy objectives

The key objectives for environmental health departments are that they should promote and secure high standards of food safety and hygiene; health and safety at work; housing and environmental protection.

Drinking Water Quality Functions and legislation

The Water Industry Act 1991 requires local authorities to keep themselves informed about the quality and sufficiency of water supplies in their area.

A local authority is required to notify the water supplier if it considers the quality of public water to be unwholesome. In the event that remedial action is

not undertaken, the local authority must notify the Secretary of State for the Environment so that he may consider enforcement action.

The Private Water Supplies Regulations 1991 lay down quality standards for private supplies and prescribe the frequency at which local authorities are required to monitor supplies and the charges they may recover for this work. The 1991 Act contains powers for local authorities to require improvements to be made to private supplies or for properties to be connected to a public supply.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Departments within a local authority, including building control and planning, should work closely to monitor water quality. Local authorities should also maintain close working links with the Drinking Water Inspectorate and the National Rivers Authority.

Policy objective

Local authorities should protect public health by ensuring that water supplies meet the required standards.

***Food Safety
Functions and legislation***

Under the Food Safety Act 1990 local authorities must, through their environmental health departments (EHDs), enforce the food hygiene requirements of the legislation. This involves the inspection by environmental health officers (EHOs) of all premises involved in the manufacture, storage, distribution and sale of food.

For some food products such as meat, fish and milk there are specific requirements resulting from the implementation of EC Directives during progress to the Single Market. Other foodstuffs are covered by general hygiene requirements. The Directives require regular inspection of premises.

EHOs may inspect and detain any food which does not meet food safety requirements. EHDs use these powers to assist the Department of Health to ensure that warnings to the public about suspect food are effective. Samples for microbiological quality are examined by the Public Health Laboratory Service or other appropriate laboratories.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

EHDs' enforcement of food safety and hygiene requirements is closely linked with their other functions such as the inspection of food premises for compliance with health and safety at work requirements.

Links between EHDs exist through Chief Officer working groups.

EHDs also maintain close links with consultants on communicable disease control in the investigation of food poisoning outbreaks which may involve inspection of food premises and sampling.

Links between EHDs and trading standards departments (whose responsibilities are set out in the separate entry on Food Standards) exist through local liaison groups and with central Government Departments through the Local Authorities Coordinating Body on Food and Trading Standards. This

exists to co-ordinate enforcement of food safety and trading standards at national level and to resolve problems over interpretation of legal provisions. In addition, the Government sets down in statutory Codes of Practice guidelines on how food law enforcement should be carried out.

Policy objectives

The main objective is for EHDs to promote and secure high standards of food safety in order to protect public health.

Emergencies – Food Protection

Functions and legislation

Ministers may make emergency orders under Part I of the Food and Environment Protection Act 1985 (FEPA) to ensure that consumers are not exposed to risk from consuming contaminated food and may authorise local authority staff to perform investigation and enforcement functions on their behalf. In addition, Ministers have powers to make emergency control orders under the Food Safety Act 1990 where the carrying out of commercial operations with respect of food, food sources or contact materials may pose an imminent risk of injury to health. Ministers may specify that enforcement and execution of emergency control orders shall be by local authorities, and, in such circumstances, local authorities would act in their own right and not as agents of Ministers.

Tiers of local government responsible

These functions may be carried out by any principal local authority but in practice it is likely to be county emergency planning officers or trading standards officers at county council level and environmental health officers at district level who carry out functions under Part I of FEPA.

Links with other agencies

In certain circumstances local authorities may be called upon to dispose of possibly large amounts of contaminated food or agricultural and food produce. Depending on the nature of the emergency, local authorities may have to deal with bodies such as the National Rivers Authority, or with the police and local health authority.

Policy objectives

In the event of a food contamination incident the objective is to ensure that the population is not exposed to contaminated foodstuffs and that prohibitions on activities for the purpose of protecting consumers from such exposure are fully enforced.

Meat Hygiene

Functions and legislation

Local authorities are currently responsible for the licensing, provision of meat inspection and hygiene control in red meat slaughterhouses and poultry meat plants and the provision of hygiene inspections in EC approved red meat cutting premises and cold stores. Additionally port health authorities (or where they do not exist, local authorities) are responsible for carrying out public health checks on meat, meat products and other products for human consumption before importation into the country. Animal health checks are carried out by State Veterinary Service Senior Animal Health Officers.

The Slaughterhouses Act 1974 requires local authorities to license red meat slaughterhouses and knackers' yards annually. Red meat slaughterhouses producing meat for the domestic market only are controlled by the hygiene, construction and inspection requirements of the Slaughterhouses (Hygiene) Regulations 1977, as amended by the Slaughterhouse (Hygiene) and Meat Inspection (Amendment) Regulations 1987 and 1991, and the Meat Inspection Regulations 1987 as amended in 1990. EC export approved red meat slaughterhouses, cutting premises and cold stores are subject to the additional

requirements of the Fresh Meat Export (Hygiene and Inspection) Regulations 1987, as amended in 1990. There are no licensing requirements for cutting premises and cold stores producing for the domestic market only, but the provisions of the Food Hygiene (General) Regulations 1970 as amended in 1990, apply to the operation of such premises. The Meat (Sterilisation and Staining) Regulations 1982 as amended in 1984, provide for the treatment and disposal of meat which is unfit for human consumption. The Bovine Offal (Prohibition) Regulations 1989 lay down similar controls over specified bovine offal.

Local authorities are also responsible for licensing and providing for the inspection of and hygiene control in poultry slaughterhouses and cutting plants in accordance with the Poultry Meat (Hygiene) Regulations 1976. These regulations implement the provisions of EC Directive 71/118 on poultry meat hygiene. The Regulations were made under the European Communities Act and the Food and Drugs Act 1955, now the Food Safety Act 1990.

Environmental health officers employed by local authorities are currently responsible for ensuring that hygiene standards in domestic meat product plants comply with relevant statutory controls, principally the Food Hygiene (General) Regulations 1970 as amended in 1990. Single Market rules on trade and marketing of meat products will necessitate a revision of the present arrangements with effect from 1 January 1993. These EC rules have not yet been adopted formally but it is intended that local authorities will largely retain primary responsibility for this function with the Government overseeing that standards are applied consistently throughout the country.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

The State Veterinary Service/Veterinary Medicines Directorate collect and examine samples from slaughterhouses for the presence of residues.

Policy objectives

The objectives are to protect human health; to promote the confidence of consumers in the UK and overseas; and to provide a cost-effective inspection service.

Under the Single Market, the proposed Fresh Meat (Hygiene and Inspection) Regulations 1992 when enacted in September will replace nearly all the present legislation on the production, storage, transport and wholesale marketing of red meat. All slaughterhouses, cutting plants and cold stores producing or handling fresh meat for the domestic or EC market will have to be licensed by the appropriate Agriculture Department under the Regulations. Local authorities will also still have to license red meat slaughterhouses until such time as the Slaughterhouses Act 1974 can be repealed and will continue to license knackers' yards annually. Some red meat premises will operate, for the time being, under temporary derogations from the Single Market structural rules and be restricted to trade on the domestic market. From 1 January 1996 however all red meat premises, except low-throughput ones which will continue to be restricted to the domestic market, will have to fully comply with the Single Market rules.

The Minister of Agriculture, Fisheries and Food announced on 9 March 1992 that local authorities' meat hygiene responsibilities will be transferred to a new National Meat Hygiene Service as soon as Parliamentary time permits.

The Service will be an Agency of the Ministry of Agriculture, Fisheries and Food and will be responsible for enforcement in fresh meat (that is, red meat, poultry meat and game meat) plants only. Due to the absence of a place in the 1992/93 legislative programme for the necessary primary legislation, the earliest possible start-up date for the new Service is late 1994. Where meat products are produced in a plant integrated with a fresh meat plant, enforcement duties will be shared between the proposed Service and the local authorities; except in integrated slaughterhouse/meat products plants where the Service will enforce. Where integrated plants share common facilities with fresh meat plants these will be inspected by the Service.

Imported Food

Functions and legislation

Port health authorities (or where they do not exist, local authorities) are empowered under the Imported Food Regulations 1984 to inspect imported food, at the point of importation, for compliance with food safety legislation.

Tiers of local government responsible

The authority responsible for enforcement, as laid down by the Imported Food Regulations 1984, is the port health authority (PHA) where food is unloaded in a port health district (the usual case) or the district council or London borough council where unloading takes place elsewhere.

Links with other agencies

Under Single Market measures which came into force on 1 July 1992 all imports of animal products from third countries will have to be checked on entry into the European Community. However, in the absence of EC implementing rules Member States may continue to carry out checks in accordance with current frequency and practice until 1 January 1993. It is proposed that from 1 January 1993 MAFF will be the central competent authority and local authorities/port health authorities will enforce both animal and public health controls, subject to directions and guidance given by Agriculture and Health Ministers. Under the new arrangements local authorities will be required to employ the necessary staff, including the official veterinarian who will be approved by Ministers. Their duties will include submission to the Minister of returns on work carried out, and directions will also lay down the circumstances in which referral of any matter to the State Veterinary Service will be required. Responsibility for answering to Brussels will lie with Agriculture Ministers through MAFF.

Policy objectives

The objective is to ensure that food entering the country meets the standards defined in the regulations and to safeguard public health.

Welfare of Animals at Slaughter

Functions and legislation

Local authorities are responsible for the enforcement of animal welfare legislation at slaughterhouses and knackery yards. They should ensure compliance with animal welfare law in red meat slaughterhouses, appoint welfare supervising officers to oversee welfare at poultry slaughterhouses and license red meat and poultry slaughterers. Their duties in this area are set out in the Slaughterhouses Act 1974 as amended by the Welfare of Animals at Slaughter Act 1991; the Slaughter of Poultry Act 1967, as amended by the Animal Health and Welfare Act 1984 and Regulations made under both Acts.

Tiers of local government responsible

District councils and London borough councils

Links with other agencies

The State Veterinary Service visits slaughterhouses to check that welfare requirements are met.

Policy objectives

The objective is to encourage high welfare standards at slaughter.

Shellfish and Fish Hygiene *Functions and legislation*

Port health authorities, or where they do not exist, coastal local authorities, are currently responsible for monitoring the microbiological contamination of shellfish. Under the Public Health (Shellfish) Regulations 1934 they may close shellfish harvesting areas or apply conditions for treatment of the shellfish before it can be sold for human consumption. From 1 January 1993 their powers and duties will be extended by the EC Directive on Shellfish Hygiene. This will require more comprehensive monitoring of harvesting areas and will lay down new powers to monitor the movement and check the treatment of shellfish from harvesting to retail, with the aim of tracing the source of any food poisoning outbreaks.

Environmental Health Departments will have new powers, from 1 January 1993, to approve the operation of plants which put fish and shellfish products on the market, subject to requirements for premises, equipment and hygienic handling. Regular inspections of these plants and of auction markets selling fish will be required. Some inland local authorities will also be involved in these activities.

Tiers of local government responsible

District councils. London borough councils are not involved in the current controls because responsibility lies with the Port of London Health Authority.

Links with other agencies

Local authorities or port health authorities maintain working links with the Public Health Laboratory Service, the National Rivers Authority, the Department of Health, the Ministry of Agriculture, Fisheries and Food, the Sea Fisheries Inspectorate and local Sea Fisheries Committees.

Policy objectives

The objectives are for local authorities or port health authorities to minimise contamination of fish and shellfish for human consumption and to promote and secure high standards of hygiene and quality.

Health and Safety at Work *Functions and Legislation*

The Health and Safety at Work etc Act 1974 (HSWA), older legislation set out in Schedule 1 to that Act (known as the relevant statutory provisions) and Regulations made under it, are mainly enforced by the Health and Safety Executive or by local authorities according to the main activity carried on at individual premises.

Under the Health and Safety (Enforcing Authority) Regulations 1989 local authorities are responsible for enforcement at around 1.2 million premises – including shops, offices, warehouses, hotels, catering premises, leisure and consumer services – which employ a workforce of over 7 million.

Tiers of local government responsible

District councils and London borough councils. Health and safety enforcement is usually carried out by environmental health departments.

Additionally county councils, London borough councils and metropolitan district councils have responsibilities under certain relevant statutory provisions, such as those relating to petroleum licensing and explosives. These are outlined in separate sections.

Links with other agencies

The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) brings together representatives and professional advisers

of the Local Authority Associations and officials of HSE and other relevant organisations. The Committee seeks to achieve a consistent approach to enforcement of health and safety legislation and provides a forum for discussion and exchange of information on a wide range of health and safety issues. The Health and Safety Executive's Local Authority Unit (LAU) provides the secretariat for HELA, acts as a liaison point between the HSE and local authorities and issues information and advice to local authorities.

Links between individual local authorities and HSE's Area Offices are also particularly important, given their joint responsibility for enforcement of the HSWA. In addition, the Government wishes to encourage cooperation between local authorities particularly in the development of the "lead" local authority concept covering the enforcement of legislation in national firms and work on such a scheme is just beginning.

Policy objectives

The objective is to promote consistency of enforcement both between HSE and local authorities and between individual local authorities.

Against the background of the transfer of responsibility for additional premises to local authorities by the Enforcing Authority Regulations 1989 and increasing employment in the service sectors enforced by local authorities, the Government wishes to ensure that effective attention is given to health and safety by each responsible local authority, with no diminution in overall resources devoted to enforcement. Strong professional leadership is necessary if local authorities are to deploy their resources to maximum effect, concentrating on areas of greatest risk.

Dangerous Substances (Carriage by Road)

Functions and legislation

At petrol filling stations local authorities are petroleum licensing authorities and enforce certain aspects of the Road Tanker Regulations 1981.

Local authorities also have limited involvement in the enforcement of the regulations concerning the carriage of dangerous goods by road, where they are also the enforcing authority for health and safety at work. These are:

- the Road Traffic (Carriage of Dangerous Substances by Road in Packages etc) Regulations 1986 (the Packaged Goods Regulations); and
- the conveyance requirement of the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 (CPL).

Tiers of local government responsible

County councils, London borough councils and metropolitan district councils are petroleum licensing authorities and have duties in relation to the carriage of dangerous goods by road.

Links with other agencies

There are close links between central Government, local authority associations and the police. Police constables have the right to demand certain information and police forces perform an "eyes and ears" role for the enforcing authorities and give assistance to HSE Inspectors in on-the-road enforcement, since only uniformed police constables have the power to stop vehicles.

Policy objectives

Local authorities should ensure that the particular aspects of the carriage of dangerous substances for which they have enforcement responsibility are carried out safely.

Packaging And Labelling of Dangerous Substances
Functions and legislation

The Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 require dangerous substances, including mixtures and preparations, to be labelled and packaged to warn and protect the user and to warn and protect people engaged in road transport, the emergency services and the general public (road carriage requirements).

Tiers of local government responsible and links with other agencies

See section on Dangerous Substances (Carriage by Road).

Policy objectives

The objectives are to classify the hazards of chemicals and to disseminate information about those hazards.

Explosives
Functions and legislation

Local authorities have a duty to register premises which keep small amounts of explosives or fireworks and also to license stores which keep explosives. Larger stores and those on manufacturing sites are licensed by the Health and Safety Executive (HSE).

The Explosives Act 1875 covers the registration and licensing of premises for the keeping of explosives (including fireworks) and subsequent enforcement activities such as the inspection of premises to ensure compliance.

Tiers of local government responsible

County councils, London borough councils and metropolitan district councils, including harbour authorities.

Links with other agencies

The only significant links are with consumer protection authorities.

Policy objectives

Local authorities should ensure that all explosives for which they are responsible, including fireworks, are stored safely and that registrations and licences issued are checked to see that they are up-to-date.

Legislation on the manufacture and storage of explosives is currently being reviewed. The role of the licensing authorities is being included in the review but no definite decisions have yet been made.

Petroleum Licensing
Functions, legislation and tiers of local government responsible

Petroleum licensing authorities (PLAs) control the keeping of petroleum by means of a licensing system under the Petroleum (Consolidation) Act 1928 and relevant legislation. PLAs issue licences for sites where 60 gallons or more of petrol is kept. Sites where petroleum is kept range from urban filling stations to rural farms. PLAs consider the circumstances of each site and stipulate the conditions of licence which must be met.

County councils, harbour authorities and the Fire and Civil Defence Authorities in London and the metropolitan counties are PLAs. The responsibility for petroleum licensing functions normally lies with the fire service or the trading standards body of the local authority. HSE license sites subject to the Notification of Installations Handling Hazardous Substances Regulations 1982.

Links with other agencies

PLAs should liaise with planning and building authorities within their area, for example in agreeing plans for the site of a city centre filling station. They should also liaise with environmental control bodies such as the National Rivers Authority.

Policy objectives

The objective is that there should be consistent national standards for the safekeeping of petroleum.

Hazardous Installations

Functions, legislation and tiers of local government responsible

The Control of Industrial Major Accident Hazards (CIMAH) Regulations aim to prevent major chemical industrial accidents and to limit the consequences to people and the environment of any which do occur. The duties imposed by the Regulations apply to the two tiers of local authorities, according to the type and quantity of hazardous substances stored or used at a site. (See also separate section on Emergency Planning.)

CIMAH Regulation 11 requires county councils, the Fire and Civil Defence Authorities in London and the metropolitan counties to prepare and keep up to date off-site emergency plans for all sites where dangerous substances exceeding defined threshold quantities are either stored or involved in defined processes. Approximately 500 such sites exist in the UK. The objective is that for sites with the most extensive hazards, the emergency services need to have access to specific information and a site specific response prepared in advance to deal with foreseeable major hazards.

The site occupier has to provide the technical information on which the plans are based and the local authority may charge them for the cost of preparing those parts of the plans which relate to the protection of health and safety of people. Planning to protect the environment is not chargeable nor are any extra costs which fall to fire authorities for staff training and for any tests or rehearsals needed to keep plans effective. As well as preparing plans, the local authority has to ensure that they are kept up to date.

When local planning authorities (LPAs) need to consider planning decisions at, and in the vicinity of, these sites, they consult the Health and Safety Executive (HSE) for technical advice about the extent of hazards and risks. This enables LPAs to take them into account in reaching a decision. In addition to planning permission requirements, the Planning (Hazardous Substances) Act 1990, which comes into force on 1 June 1992, requires consent to be obtained from the local authority where a specified hazardous substance is to be present in a controlled quantity. This enables local authorities, in consultation with the HSE, to consider whether the presence of a hazardous substance is appropriate in a particular location, having regard to the risks arising to people in the surrounding area.

Links with other agencies

The plans are prepared by emergency planning officers in consultation with the police, fire and ambulance services and any other bodies such as the National Rivers Authority. Keeping plans of installations up to date involves liaison with management on each of the sites so that any changes can be incorporated into the plans with details passed on to the emergency services.

Policy objectives

The principal objectives of the CIMAH regulations are to prevent major accidents arising from industrial activities; and to limit the effects of such accidents on people and the environment, for example by ensuring that local off-site emergency plans are produced and that affected members of the public are informed of these plans. Planning controls under the Town and Country Planning Act 1990 and the Planning (Hazardous Substances) Act 1990 enable the hazards associated with CIMAH sites and other hazardous installations to be taken into account in determining proposals to keep or use hazardous substances at such sites or to develop land in their vicinity.

Pesticides

Functions and legislation

Part III of the Food and Environment Protection Act 1985 (FEPA) and the Control of Pesticides Regulations (COPR) 1986 and the Health and Safety (Enforcing Authority) Regulations 1989 aim to achieve the safe, efficient and humane use of pesticides. From 1 April 1992 local authorities will enforce the sale, supply, storage and use provisions in premises where they have enforcement responsibility.

Local authorities also have enforcement powers in respect of the advertisement, supply and sale of pesticides under the Consumer Protection Act 1987

Tiers of local government responsible

Metropolitan district councils and London borough councils enforce all aspects of the pesticides legislation.

In the shire areas district councils have responsibility for storage and use in premises allocated to them under the Health and Safety (Enforcing Authority) Regulations 1989 while county councils enforce the consumer safety aspects of the pesticide legislation, that is, in respect of advertising, supply and sale.

Port health authorities deal with pesticides where they are imported into the country in contravention of a specific prohibition or a condition of any approval or consent.

Links with other agencies

The Health and Safety Executive, through its Health and Safety Executive/Local Authority (HELA) liaison mechanism provides and maintains contacts between all the enforcing authorities. All local authority and port health authority enforcement officers should maintain links with HSE and the Ministry of Agriculture, Fisheries and Food pesticide registration schemes for confirmation on pesticide approvals. Additionally, enforcement officers in the 23 separate port health authorities should cooperate on enforcement action on prohibitions of imports.

Policy objectives

Local authorities should uphold the principles of COPR to achieve the safe, efficient and humane use of pesticides.

Consumer protection and trading standards

An overview of the work of Trading Standards Departments

Departments

Functions and legislation

Local authorities are responsible for the enforcement of all consumer protection legislation. Their trading standards departments (TSDs) enforce a wide range of consumer protection legislation covering consumer safety, fair trading, weights and measures, food quality and labelling and video recordings classifications. The enforcement role of TSDs consists of inspection, advice and prosecution.

The main statutes enforced by TSDs are:

The Trades Description Act 1968, the Fair Trading Act 1973, the Consumer Credit Act 1974, the Estate Agents Act 1979, the Weights and Measures Act 1985, the Consumer Protection Act 1987, the Road Traffic Act 1988, the Food Safety Act 1990, the Animal Health Act 1981, the Criminal Justice Act 1988.

Tiers of local government responsible

County councils, London borough councils, metropolitan district councils.

Links with other agencies

TSDs maintain close links with other local government services particularly environmental health departments with whom they share responsibility for the enforcement of food law and the public analysts who provide scientific support to TSDs. The police may become involved in particular investigations where the breaching of laws outside the consumer protection remit is suspected. In some local authorities TSDs will also seek regular input and support from the legal department, whilst other TSDs undertake prosecutions and other legal work on their own behalf using in-house specialists and professionals.

To avoid unnecessary duplication of expenditure and to strive for consistency in enforcement the local authorities have established the Local Authorities Coordinating Body on Food and Trading Standards (LACOTS). Through LACOTS the home authority system has been set up to clarify the enforcement and advice role of TSDs to manufacturers, importers and traders in their own areas, and to provide a liaison point between the firms and other TSDs. (For example, where a company is found to breach trading regulations the case is automatically referred to the TSD in the area where the company's headquarters is located, no matter where the breach is discovered.) There is frequent need for liaison between TSDs and to service this requirement the professional body for trading standards officers, with support from the DTI, has established a computer link to ensure the efficient and quick exchange of information on enforcement matters.

In a number of areas of enforcement TSDs work in partnership with the Office of Fair Trading in investigating or taking action against traders under legislation where the enforcement responsibility is shared, such as the Fair Trading Act 1973 and the Consumer Credit Act 1974.

Policy objectives

The objectives are that: TSDs should provide an efficient and effective consumer protection service within their area; there should be consistent enforcement of consumer protection legislation throughout the UK, for the benefit of business and consumers alike; that consumers and traders in each community should be aware of, and have access to, consumer protection services; and that full advantage should be taken of available economies of scale in the provision of an efficient trading standards service.

Food Standards

Functions and legislation

Under the Food and Safety Act 1990 local authorities have a duty to enforce the compositional, labelling, quality and some food safety requirements of food legislation including contaminants, additives and quality standards. This involves inspections by trading standards officers of all premises involved in the production, manufacturing and distribution and sale of food. Samples are analysed by public analysts.

Tiers of local government responsible

County councils, metropolitan district councils, London borough councils and port health authorities have responsibility for carrying out these functions. Each authority is also required to appoint a public analyst who may be employed by the council or retained on a fee-paid basis. However, food hygiene requirements under the 1990 Act are enforced separately by environmental health officers of district councils in the shire counties.

Links with other agencies

The enforcement of the composition and labelling requirements of food legislation is closely linked to other consumer protection and trade descriptions functions carried out by trading standards departments. This link with other consumer protection functions is important but equally important is the need to maintain contact with district councils in the exercise of their functions under the Act, most notably their food hygiene function. Formal liaison links on food exist between the two tiers through local liaison groups and with Government departments through the Local Authorities Coordinating Body on Food and Trading Standards (LACOTS). In addition the Government sets down in statutory Codes of Practice guidelines on how food law enforcement should be carried out.

Policy objectives

The objectives are that: trading standards departments should provide an efficient and effective food safety and consumer protection service within their area; there should be consistent enforcement of food legislation throughout the UK for the benefit of consumers and business alike; and that consumers and traders in each community should be made aware of and have access to food protection services.

Education

The White Paper "Choice and Diversity" was published in July 1992 and following consultation the Government expects to introduce an Education Bill in the autumn. This section is a description of the current functions of local education authorities.

Provision of Primary and Secondary School Places *Functions and legislation*

Local education authorities (LEAs) have a duty under the Education Act 1944 to ensure that there are sufficient numbers of free primary and secondary school places for all the children in their area between the ages of five and nineteen who require one. At the same time LEAs may not discriminate against children from outside their area when considering admissions to schools. The Further and Higher Education Act 1992 restricts LEAs' duty to provide places to five to sixteen year-olds, but they retain a power to provide for students over the age of sixteen.

LEAs can discharge this duty by establishing and maintaining schools themselves, meeting the recurrent costs of "voluntary" schools, or purchasing places at independent schools, or (usually) by a combination of these means. Schools whose recurrent costs are met by LEAs, which include voluntary schools, are known as "LEA-maintained" schools. The proportion of places provided by purchasing places at independent schools is very small.

In considering how many places they need to provide LEAs take account of the numbers of children likely to attend grant-maintained schools and City Technology Colleges (funded directly by the Department for Education) as well as independent schools. At present 93% of the population aged between five and sixteen years are educated at LEA-maintained schools.

LEAs also need to take into account the laws on school attendance and transport. Parents have a defence in law against a charge of not securing the regular attendance of a pupil of compulsory school age if they can show that he or she is registered at the nearest suitable school where places are available; that is beyond walking distance from home (2/3 miles depending on age); and that the LEA has not arranged boarding at it or free transport to it. When LEAs wish to open, close or change significantly the character of a county school, significantly enlarge a county school, or close a voluntary school they are required to carry out certain procedures set out in the Education Act 1980. They must publish proposals, after consultation with interested parties. There is then a period during which objections may be made. If objections are made or the Secretary of State decides to "call in" the proposals, and in all cases involving voluntary schools, the Secretary of State decides whether the proposals should be implemented, taking into account written submissions from LEAs and others.

One way in which LEAs ensure that places at schools are available for those who need them is through their control over admissions to county and

voluntary-controlled (not voluntary-aided) schools. For county and voluntary-controlled schools LEAs set the admission limits (subject to minima prescribed in legislation) and determine the admission policy (the basis on which places will be allocated if demand exceeds supply). The actual allocation of places is sometimes delegated to schools; but LEAs always administer the appeals system.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

In exercising their responsibility to provide school places LEAs work closely with local Diocesan authorities and other bodies responsible for voluntary schools. LEAs often support the establishment of new voluntary schools, or expansion of existing schools, as the best means of meeting local needs. Voluntary schools may also be involved in reorganisations of local schools, requiring close cooperation between LEAs, voluntary bodies and the governing bodies of voluntary schools. LEAs may also wish to maintain links with the Health and Safety executive in relation to their general responsibilities.

Policy objectives

The number of school places should be sufficient without being excessive and appropriate for the population in the areas covered by LEAs. School places should be allocated as far as possible in accordance with the preferences of parents.

Financing of Primary and Secondary Schools

Functions and legislation

LEAs are responsible for setting an annual budget for recurrent expenditure on the primary and secondary schools they maintain.

LEAs must determine, within constraints laid down by the Government, (a) how much of the budget should be held centrally by the LEA for central services and how much should be delegated to schools and (b) a formula for allocating to schools the resources to be delegated to them. Each LEA is required to have a "Scheme" under the Government's policy of Local Management of Schools (LMS), known as its LMS Scheme, of which the formula for allocating funds to schools and the division of responsibility for expenditure between LEAs and schools are key elements.

LEAs also have responsibility for funding and operating a programme for capital expenditure for county and voluntary-controlled schools. (The capital programme at voluntary-aided schools is mainly the responsibility of their governors who receive grant-aid directly from the Department For Education for this purpose. Some costs, eg in respect of the provision of playing fields and catering facilities, and internal repairs fall to the LEA.

LEAs also have a statutory duty to re-coup funds from the home authorities of pupils from outside their area, and to meet the bills of other authorities to which their own children may have gone.

Total recurrent expenditure on primary and secondary schools including associated central support services and administration by LEAs in 1991/92 is estimated at £13 billion, of which approximately £9.5 billion was delegated to school level. The proportion delegated to school management will rise as Local Management of Schools is progressively introduced. Total outturn capital expenditure by LEAs on primary and secondary schools in 1989/90 (the last year for which figures are available) was £678 million.

<i>Tiers of local government responsible</i>	County councils, metropolitan district councils and London borough councils.
<i>Links with other agencies</i>	There are no significant links with other agencies.
<i>Policy objectives</i>	LEAs should: <ul style="list-style-type: none"> • set budgets for primary and secondary schools which enable an effective and efficient school education service to be delivered; • operate LMS Schemes which secure the maximum delegation of financial and managerial responsibility to schools that is consistent with the discharge by the LEA of its statutory responsibilities. • allocate as much as possible of the funds delegated to schools on the basis of pupil numbers. As from April 1993 LEAs will be required to allocate at least 80% of these funds on the basis of age-weighted pupil numbers to ensure that schools have a clear incentive to recruit more pupils, and thus offer a high quality education attractive to parents; and • undertake cost-effective capital investment to ensure a sufficiency of school places and that school buildings are adequate and in good repair.

Provision of Facilities for the Under Fives

Functions and Legislation

The compulsory period of schooling is from the start of the school term following a child's fifth birthday. Services for younger children are with specified exceptions for need offered at the discretion of local authorities and other local providers.

There are two broad groups of services: educational and day care. *Educational provision*, made under powers contained in the Education Act 1944 as amended by the Education Act 1980, includes nursery schools and classes and reception classes of primary schools. In making such provision local education authorities have similar planning, funding and associated functions to those applying to schools more generally. Daycare provision includes day nurseries, playgroups and the services of childminders.

Registration of voluntary and private daycare facilities is a matter for social services authorities. Local education authorities have responsibilities under the Children Act 1989 to collaborate with them in the registration of these facilities and in the review of day care and related services for young children.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

LEAs usually have links with a wide range of agencies dealing with various aspects of under fives' education and care. In particular, they are encouraged by the Government to concert their activities with the voluntary play group movement in order to secure the best overall use of resources.

Policy objectives

Within this discretionary framework objectives are to:

- encourage a diversity of provision, which acknowledges the variety of needs, and permits enterprise;

- provide for a steady growth in the overall numbers of under-fives attending school;
- seek to improve the coordination of services, especially between the maintained and voluntary sectors, so as to secure the best use of the available resources;
- seek to increase the quality of the educational experience offered to three and four year olds across the various institutional settings.

Special Educational Needs *Functions and legislation*

The functions of LEAs in respect of special educational needs (SEN) derive largely from the Education Act 1981, which lays on them duties with regard to identifying and assessing pupils with SEN; the making of statements for those for whom they have decided to determine the special educational provision, arranging the provision so specified; appeals, annual reviews and re-assessments. LEAs are under a duty to place pupils with statements in ordinary schools (including grant-maintained schools) subject to certain conditions being met.

Under the Education Act 1981, a child has SEN if he or she:

- (a) has a "learning difficulty" defined in the Act as a significantly greater difficulty in learning than the majority of children of the same age;
- (b) has a disability which either prevents or hinders him or her from using educational facilities of a kind generally provided in schools, within the area of the local authority concerned, for children of his or her age; or
- (c) is under the age of five years and is, or would be if special educational provision were not made for him or her, likely to fall within paragraph (a) or (b) when over that age.

The term "special educational provision" means provision which is additional to or otherwise different from the educational provision made generally for children of the same age in schools maintained by the LEA concerned.

LEAs also have a duty under the Education Act 1944, to secure sufficient provision of primary and secondary schools and in doing so to have regard in particular "to the need for securing that special educational provision is made for pupils who have special educational needs", and under the 1981 Act to keep under review the arrangements made by them for special educational provision.

Other specific functions of LEAs in the area of SEN are: determining the application of the National Curriculum in respect of individual pupils with statements; determining the budgets for special schools and the basis for funding pupils with SEN in ordinary schools; agreeing with grant-maintained schools appropriate funding for children with statements; ensuring that the requirements for mandatory qualifications for teachers of the deaf and blind are met and appropriate training arranged.

Special Education Needs in Further Education

The Education Act 1944 also placed LEAs under a duty to secure the provision of sufficient facilities for full-time further education for sixteen to eighteen year olds; and the provision of adequate facilities for students aged nineteen or over. In fulfilling these duties LEAs must have regard to the requirements of students who have learning difficulties.

Under the provisions in the Further and Higher Education Act 1992 the duty to secure provision for sixteen to eighteen year olds will be transferred from LEAs to the new Further Education Funding Councils. LEAs will however continue to provide for 16–18 year olds in schools which they maintain. The responsibility for providing further education for adults will be shared between LEAs and the Funding Councils. Both will be required to take into account the requirements of people with learning difficulties when determining what provision to make available.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

In carrying out their functions in relation to SEN, LEAs need to liaise closely with:

individual schools, which provide the special arrangements set out in pupils statements, and play a substantial part in the assessment process (and which also, in conjunction with the LEA as necessary, provide for children whose SEN are not so severe as to require statements);

district health authorities, which are providers of many of the “non-educational” therapy and medical services which need to be arranged for many children with SEN;

local authority social service departments and training and enterprise councils, as necessary. LEAs will be expected to co-operate with Further Education Funding Councils following the establishment of the new sector to ensure the best possible response to the needs of pupils with SEN.

Policy objectives

The key objective in this area is that LEAs should secure appropriate special educational provision within ordinary and special schools for pupils with SEN on a cost-effective basis; and that in doing so they should:

- ensure that statements are issued for children who have SEN which require LEAs to determine the special educational provision that should be made for them; and to ensure that parents’ rights of appeal against a LEA’s refusal to make a statement of SEN and the content of a statement are fulfilled;
- secure the maximum integration of pupils with SEN into ordinary schools consistent with having taken parents’ views into account, provided that the pupil receives the special educational provision he or she requires; the other pupils at his or her school receive efficient education, and resources are used efficiently;
- promote optimum access to the National Curriculum, within an appropriate whole curriculum (educational integration);
- secure the fullest possible participation by pupils in the life of the schools (social integration);

In further education the main objective is to ensure that the full range of educational provision is available to students whatever their disability or need for learning support.

School Curriculum and Assessment

Functions and legislation

LEAs are required to exercise their functions with a view to securing the curriculum and assessment requirements of the Education Reform Act 1988 (ERA) including provision of the National Curriculum, religious education and collective worship. They must establish and administer a procedure for disposing of complaints that they and/or school governing bodies have acted unreasonably or failed to discharge their duties in respect of the curriculum and assessment.

LEAs must adopt an agreed syllabus for religious education under procedures set out in the Education Act 1944, and review that syllabus, and establish a Standing Advisory Council on Religious Education.

LEAs are required to publish a written statement of their policy in relation to the secular curriculum, and to provide information to the Secretary of State, parents and governors on the curriculum provided in schools and on assessment, including results of assessment. LEAs also coordinate curriculum development projects including the Technical and Vocational Education Initiative (TVEI).

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

Some education departments maintain links with local authority leisure and recreation services departments, particularly where they provide outward bound courses within the physical education curriculum. There are also sometimes links with personnel departments in relation to the provision of vocational education for older pupils. LEAs have to relate to the department of Employment (who provide funding for the technical and vocational education initiative) and with TECs for Education Business Partnerships, TVEI and a range of other initiatives.

Policy objectives

The objectives are to raise standards in all schools for children of all levels of ability and ensure compliance with the National Curriculum and related assessment requirements.

School Governors

Functions and legislation

LEAs appoint some of the members of school governing bodies. LEA appointees have an equal voice with parent governors on governing bodies. The composition of governing bodies of county and controlled schools under the 1986 Act is determined by the size of the school. For example a school with 100–299 pupils will have twelve governors, of whom three are LEA appointees; a school with 300–599 pupils will have sixteen governors, of whom four are LEA appointees. Voluntary aided schools must have at least one LEA appointee on the governing body.

Under the 1986 Act LEAs are responsible for providing all school governors with:

- a copy of the instrument and articles of government for the school;

- other information which the LEA thinks appropriate for the governor to discharge his functions;
- such training as the LEA considers necessary.

The LEA need not provide the training itself; it may use outside agencies, such as Action for Governor Information and Training or the local Diocese.

The Education Reform Act 1988 requires each LEA to prepare a scheme for the Local Management of Schools. Governing bodies share with the Head Teacher responsibility for overall decisions on the school's budget and staffing. The LEA's role in school management is now strategic and supportive, creating policy and model procedures rather than issuing instructions. An important role is to monitor, evaluate and review the training given to professional staff and governors of schools to enable them to manage their schools effectively.

Governors also exercise delegated powers on behalf of the LEA in areas covered by other legislation, eg Health and Safety and Equal Opportunities. The LEA should provide support and training for governors in these areas too.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

In exercising its responsibility for training governors the LEA should consult with the Dioceses.

Policy objectives

The objectives are to:

- ensure a continuous supply of well motivated recruits to governing bodies and to promote the involvement of parents and the wider community including business. (Governors are appointed for a four year term of office.)
- enable governors to perform their role with the maximum efficiency and effectiveness through supporting LEAs in the provision of governor training through the Grants for Education Support and Training programme (GEST) and through the direct commissioning of training materials.

Employment of Teaching and Other Staff

Functions and legislation

LEAs are the employers of all staff working in county, voluntary-controlled and special agreement schools (which together make up about 75% of all LEA-maintained schools). They also employ a small number of staff working at voluntary-aided schools (the majority of whom are employed by the school governing body).

LEAs also employ staff to provide central services, from professional advisers to cleaning and catering staff.

The management of staff working in schools with delegated budgets is the responsibility of individual schools. Governing bodies take decisions on appointments and dismissals and have considerable discretion over pay and are the respondents in industrial tribunal cases, where the complaint concerns the exercise of their statutory powers. LEAs continue to carry out certain

functions as employers(usually the maintenance and operation of the pay roll) and have a responsibility for the training and professional development of staff at all LEA-maintained schools. A more detailed account of the division of responsibility for employment matters between LEAs and schools with delegated budgets can be found in DES Circular 13/89.

LEAs continue to exercise all employer responsibilities in the case of staff working at schools without delegated budgets or in the provision of central services, including the exercise of any discretion over pay within national frameworks.

The local education authority has duties as employers under the Health and Safety at Work Act 1974, the Sex Discrimination Act 1975, and the Race Relations Act 1976.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

LEAs are the main providers of legal advice to governing bodies on employment matters, and need to maintain close liaison in cases involving redundancy or where a reference to an industrial tribunal is likely.

LEAs submit evidence to the School Teachers Review Body, on the basis of whose recommendations the Government determines the statutory pay, duties and working time of schoolteachers.

They also negotiate with unions on conditions of service for all non-teaching staff.

Policy objectives

The objectives are to ensure that:

- the law on employment works effectively in schools, taking account of the responsibilities of both LEAs and governing bodies; and
- the pay and statutory conditions of service of school teachers are such as to secure the recruitment, retention and motivation of sufficient teachers of the right quality in maintained schools.
- conditions of service for other staff are such as to secure the efficient delivery of the LEA's services.

In-service Training *Functions and legislation*

In discharge of their duty to secure the provision of the education of pupils, LEAs need to ensure that their teaching staff receive appropriate in-service training, although there is no specific statutory duty on them to do this. The Government supports LEA expenditure on in-service training for teachers and other staff in specified activities, particularly via training grants paid under the Education (No 2) Act 1986. These grants currently support the majority of such training, although LEAs are free to draw on other resources available to them as appropriate.

The training may be provided by LEAs' own staff of advisers or advisory teachers, purchased from other providers such as Higher Education Institutions and commercial consultants, or organised by schools themselves using distance learning or work shadowing arrangements for example. Some

training is provided by Her Majesty's Inspectorate of Schools, the National Curriculum Council and School Examinations and Assessment Council (SEAC). The Department of Employment, Training and Enterprise Councils (TECs), national and local employers may also contribute directly or indirectly to teachers' in service training.

Tiers of local government responsible

County councils, metropolitan district councils, and London borough councils.

Links with other agencies

LEAs may find it helpful to maintain links with other providers of training, including bodies involved in work related aspects of the curriculum, whose services they or their schools use.

Policy objectives

The objectives of the Training Grants side of the Department for Education's programme of Grants for Education Support and Training referred to above are:

- to encourage effective training to meet selected needs which are accorded national priority by Ministers, in particular the implementation of the National Curriculum and Local Management of Schools.

**Inspection of and Advice to
LEA-Maintained Schools**
Functions and legislation

Under the Education Act 1944 LEAs have the power to inspect any school maintained by them. Inspection provision and practice currently varies widely between LEAs, with some carrying out regular cycles of inspection and others not yet offering any effective inspection service.

Although there is no specific statutory basis for the provision of advice to schools, Section 8 of the 1944 Education act imposes a very wide duty on LEAs to secure educational provision and most LEAs provide their schools with a mixture of inspection and advice, often using the same personnel at senior level. All also employ advisory teachers to support their advisory work in individual schools.

The Education (Schools) Act 1992 places a duty on a new independent office of Her Majesty's Chief Inspector of Schools to secure the regular independent inspection of all maintained schools, including county, voluntary, nursery and grant-maintained schools, city technology colleges, non-maintained special schools, and those independent schools approved to accept children with statements of special educational need.

The inspections are to be carried out by teams of inspectors who must be led by an inspector whom the Chief Inspector has registered. The Chief Inspector will consult the governors on a specification for each school, invite tenders from more than one registered inspector, and make an appropriate choice for the school. Registered inspectors may be private contractors, but if the LEA employs registered inspectors it will be able to offer inspection at full cost to the schools within its area.

The Act removes the general power of LEAs to inspect maintained schools but gives them an explicit power to inspect when necessary to gather information to allow the LEA to meet its statutory functions.

It is currently envisaged that the new inspection arrangements will operate in secondary schools from September 1993, and in primary and special schools

from September 1994. The advisory functions of LEAs are not affected by the Act, except that those advisers whose relationship with a school casts doubt on their ability to report impartially on it might not be able to take part in an independent inspection of a school under the Act as a registered inspector or as part of a team.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

At present, none apart from the schools themselves. Under the Act, inspections will be carried out by both LEA and private inspection teams, regulated by the new independent office of Her Majesty's Chief Inspector of Schools.

Policy objectives

All schools supported wholly or mainly from public funds should receive regular independent inspection, with published reports, to a national standard set and controlled by the Chief Inspector, and by teams led by an inspector registered by the Chief Inspector.

LEAs should be able to continue to offer inspection services where they meet the necessary standards, and should charge the full cost for these so as to compete fairly with private sector inspectors.

LEAs should as far as possible delegate funds for advice to schools so that governors can decide how to use such funds to follow up inspection reports.

Provision of School Meals and Milk

Functions and legislation

Under the Education Act 1980, as amended by the Social Security Act 1986, LEAs must provide free school meals to registered pupils from families in receipt of Income Support and pupils aged sixteen and over who receive benefit in their own right.

Where items are provided for pupils other than those eligible for free school meals, a LEA must charge – and every pupil the same price – for the same quantity of the same item.

LEAs may provide milk, meals or other refreshment for pupils either on the school premises or at any other place where education is being provided.

Where school milk is provided, it may be provided free of charge only in the middle of the day and only to children whose families are in receipt of Income Support.

Under the Local Government Act 1988, those education authorities providing school meals by directly employed labour may continue to do so only if the work has been successfully competed for against outside contractors.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

To enable a LEA to carry out their functions the governors of a LEA-maintained school should afford the authority such facilities as they require and allow them to make use of the premises and equipment of the school. They should also make such alterations to the school buildings as the authority considers necessary. A LEA may contract out the provision of school meals to private contractors as the service is subject to compulsory competitive tendering.

Policy objectives

The objectives are for LEAs to decide:

- on meals and milk other than provision of free school meals and provision of facilities for pupils eating; and
- to keep value for money in mind by the use of compulsory competitive tendering for school meals services.

Student Awards

Functions and legislation

The Education Act 1962 gave LEAs a duty to make mandatory awards for maintenance and fees to students attending designated full-time or sandwich first degree or comparable level courses, who are ordinarily resident in their area and meet the eligibility criteria specified in annual regulations made under the Act (the current regulations are the Education (Mandatory Awards) Regulations 1991). Mandatory awards are means-tested. The basic and supplementary grant rates, contribution scales and other conditions are set out in the annual regulations. Certain students from other European Community States are eligible for fees-only mandatory awards.

The 1962 Act gave LEAs the discretion to make awards to students on courses which are designated for mandatory awards purposes but where the student is not personally eligible for a mandatory award. Such awards must be made at the same rates as mandatory awards.

LEAs also have the power under the 1962 Act to make discretionary awards to students over compulsory school age on courses which are not designated for mandatory awards purposes or by or under the Postgraduate Courses (Exclusion from Discretionary Awards) Regulations, and which are not courses of primary or secondary education. Such awards may be paid at any rate against criteria decided by the LEA; there are no nationally prescribed limits or conditions.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

The administration of student awards requires effective liaison between LEAs in order to encourage consistency of treatment generally and to deal with individual trans-boundary cases. LEA awards sections may need to liaise with other departments of the local authority for similar reasons. LEAs also work closely with the academic authorities of establishments of further and higher education, to ensure that the student is attending his course and that the correct tuition fee is paid in accordance with the Regulations. In the case of discretionary awards, LEAs may need to liaise with FHE institutions in order to establish whether a course is appropriate for an award to be made for a potential student.

Policy objectives

The objectives for student awards are that:

access to further and higher education should be promoted without impediment to students' of limited financial means;

- eligible students should receive, in full, the award to which they are entitled as one part of the overall system of student support;
- awards (fees and maintenance) should be assessed and paid promptly, correctly and cost-effectively;

- students, their parents, schools and further and higher education establishments should be properly informed about grant entitlements.

Maintenance Allowances

Functions and legislation

LEAs have discretion under the Scholarships and Other Benefits Regulations 1977 to grant scholarships, exhibitions, bursaries or other allowances (normally known as Education Maintenance Allowances) to pupils over compulsory school age attending schools.

Tiers of local government responsible

County councils, metropolitan district councils, and London borough councils.

Links with other agencies

Social services and other welfare departments.

Policy objectives

The objective is for LEAs to provide financial support to enable pupils aged over compulsory school age, who might otherwise be prevented by financial hardship from doing so, to continue their education at school.

Remission of Board and Lodging Fees

Functions and legislation

Under the Education (Reform) Act 1988 LEAs must remit any board and lodging charges for school residential activities undertaken by day pupils during school hours or to meet the National Curriculum or the syllabus of a prescribed public examination to those pupils whose families are in receipt of Income Support or Family Credit.

LEAs may charge board and lodging fees when they provide this at LEA-maintained boarding schools, unless they are of the opinion that an education suitable to the child's age, ability and aptitude and to any special educational needs cannot otherwise be provided for them. They must in these circumstances meet the costs of such board and lodging.

LEAs have discretionary powers to remit the whole or part of the costs of board and lodging at boarding schools, where charging is permitted and where payment of the full fees will cause hardship to parents.

Tiers of local government responsible

County Councils, Metropolitan Borough Councils, London borough councils.

Links with other agencies

Local authority social services departments, health services, and/or the schools psychological services may be involved in decisions on the placement of children in boarding schools.

Policy objectives

Remissions on board and lodging for residential school visits should continue to be made to those in receipt of Income Support or Family Credit and remission of boarding school fees be either mandatory or discretionary depending on the child's needs.

School Clothing Grants

Functions and legislation

The Education (Miscellaneous Provisions) Act 1948 gave local education authorities (LEAs) discretionary powers to provide clothing for pupils at any maintained school. This is usually in the form of grants or vouchers for uniforms and school clothing to families on low incomes, as defined by LEAs. Information is provided in the admissions to schools booklets produced by LEAs for parents. LEAs decide when and to what extent to provide support in the light of local circumstances.

Tiers of local government responsible

County councils, metropolitan district councils, London borough councils.

Links with other agencies

Decisions on whether or not a school has a uniform are made by school governing bodies. The Department of Social Security may also provide assistance for families from the Social Fund.

Policy objectives

Objectives on school clothing grants are that decisions on the provision of grants or vouchers for school uniforms and other clothing should remain the responsibility of the LEAs.

Education Transport *Functions and legislation*

LEAs have a duty under the Education Act 1944 to make such arrangements for the provision of free transport and otherwise (such as escorts) as they consider necessary (or as the Secretary of State for Education may direct) to facilitate pupils' attendance at schools, including sixth form colleges, or at colleges of further or higher education, including tertiary colleges, maintained or assisted by the LEA. LEAs may also pay the whole or any part of the reasonable travelling expenses of any pupil who is not entitled to free transport. LEAs will continue to be responsible for home to college transport after the Government's reorganisation of further education takes effect in April 1993.

The 1944 Act does not define the circumstances which make free transport necessary but it requires LEAs to take account of (amongst other things) a pupil's age and the possible routes he or she might take between home and school. In addition, its provisions regarding school attendance serve to make distance between home and school (two miles for pupils under eight; three miles for older pupils) one essential criterion for deciding if free transport is necessary for pupils of compulsory school age.

Under the Public Passenger Vehicles Act 1981 a school bus may carry fare-paying passengers. Fares are at the LEA's discretion. Some general requirements of the Transport Acts relating to public service vehicles do not apply to school buses.

Separate statutory provisions, for example, under the Education Act 1944, support LEAs' use of vehicles to take pupils to playing fields or swimming pools, and on other educational journeys.

The transport organiser is usually not based in the LEA but elsewhere in the authority, often in the engineering, highway or planning departments. The Transport Act 1985 requires county councils to have regard, in formulating policies for the procurement of Public Passenger Services, to their functions as education or social services authorities and places a duty on authorities who exercise education or social services functions to cooperate with one another so as to secure the best value for money from their expenditure on public passenger transport, taken as a whole.

LEAs also need to plan the most efficient routes for school buses.

The consultation paper, "Competing for Quality", which was issued by the Department of the Environment in November 1991, suggested that home to school transport might in the future become subject to compulsory competitive tendering. No decision has yet been taken.

Tiers of local government responsible

Links with other agencies

Policy objectives

County councils, metropolitan district councils and London borough councils.

Education transport is often organised outside the LEA but in the same local authority.

The objectives for home to school/college transport are that: no person should be denied a suitable education by his or her inability to get to a suitable school or college; LEAs should provide or arrange transport for persons for whom they consider it necessary; LEAs should continue to have discretion to decide what transport to provide for other persons, or whether to assist them financially; all transport provided should be safe, and represent good value for money. Where possible there should be co-operation between education and social services authorities, and in appropriate circumstances – for example in rural areas – school buses should be made available to fare paying passengers.

Education Welfare Services
Functions and legislation

The Education Welfare Services (EWS) (sometimes called Education Social Work Services) of LEAs have no statutory basis but they carry out a range of LEA statutory functions, principally the promotion of regular school attendance to meet the requirements of education legislation. The Education Act 1944 places a duty on parents to ensure that their children receive an efficient fulltime education. LEAs are empowered to take action against parents who fail in that duty.

Regular school attendance is an essential pre-requisite of effective education and one of the indicators of a school's performance. The regulations governing attendance were amended in July 1991 to enable unauthorised absence to be specifically identified in school attendance registers and to require maintained schools to publish details of their rates of unauthorised absence. The Education (Schools) Act 1992 empowers the Secretary of State for Education to make regulations relating to the collection of information about the performance of schools including information on truancy levels for the purpose of local comparative tables.

Education Welfare Officers (EWOs) may also have more general welfare responsibilities, eg in relation to children withdrawn from mainstream schooling on behavioural grounds, child abuse, clothing grants and the licensing of school-aged children for employment. They may visit the homes of pupils whose attendance gives cause for concern, and they are responsible for preparing the evidence in cases where LEAs decide to seek the prosecution of parents of non-attenders under the Education Act 1944 or where LEAs apply to the Courts for Education Supervision Orders under the Children Act 1989.

The EWS have functions across the LEA-maintained primary and secondary sectors, and can be used on a repayment basis by grant-maintained schools and City Technology Colleges; but the EWS usually has no role in relation to pupils outside compulsory school age and none in further education. Under the terms of education legislation, EWOs as employees of an LEA have the power to examine the attendance registers of LEA-maintained schools.

Tiers of local government responsible

All the main functions of the EWS relate to education, and the service is therefore normally found within an LEA (although there have been isolated instances of the EWS reporting to a local authority's Director of Social

Services). The EWS function is common to those authorities sharing education responsibilities, ie shire counties, metropolitan districts and London boroughs. District councils have no role in these functions at present.

Links with other agencies

Within a local authority, the EWS should collaborate with other services, such as social services, legal and educational psychologists. There are close links with schools, for groups of EWOs often have a territorial responsibility. EWOs also need to maintain communication with the courts so as to ensure the effective processing of prosecutions. Education supervision orders, introduced by the Children Act 1989, will sharpen the need for close relations between the EWS and these other bodies.

Policy objectives

Regular school attendance is essential if pupils are to benefit fully from the opportunities which school offers them. The principal function of the EWS is to help parents and LEAs to meet their statutory obligations on school attendance. It can also help to provide advice to parents and their children about how children can best take advantage of all the benefits that education have to offer.

Collecting and Disseminating Information

Functions and legislation

LEAs have a number of statutory duties to provide, and in some cases, publish information.

LEAs have a general duty under the Education Act 1944 to provide the Secretary of State with such information as he may require to exercise his functions fully. The information provided can include statistical reports and returns on aspects of general policy to enable the Government to monitor the implementation of policies and provide informed advice to Ministers on the effects of those policies.

LEAs also have to publish annually prescribed information about admission arrangements to the schools they maintain and distribute this information to parents to enable those who are about to transfer their children to make informed choices about the school they would prefer their children to attend. The types of information required are set out in Regulations and cover matters such as the classification and religious affiliation (if any) of each school and the number of children to be admitted, as well as the policy used to decide how places are allocated when schools are oversubscribed. Approximately 500,000 booklets are published each year for this purpose.

LEAs are also responsible for ensuring that specific information about schools is published. This must include details of the aims of the school, the subjects and other activities offered in each school year and examination results. School policies on matters such as discipline and school uniform must also be included. Such information is often published in the form of a school prospectus.

In future, under the provisions of the Education (Schools) Act 1992, regulations can be made requiring LEAs to publish comparative information about public exam and National Curriculum test results, truancy rates and school leavers' destinations for all the schools in their area; and to provide this information to such people as the regulations specify.

LEAs also have to produce and publish information for other bodies such as other local authorities or schools – for example where there are statutory requirements to give proper advance notice of important strategic decisions.

In addition to meeting their statutory duties local authorities collect a much wider range of information for their own purposes and in order to offer a comprehensive information service to people in their area.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other functions and agencies

The collection and publication of information about schools often involves close co-operation with them.

Policy objectives

The objectives are:

(i) that information provided by LEAs to the Secretary of State should be accurate, up-to-date and in a form which facilitates regional comparisons and national evaluation;

(ii) that the information published by LEAs for parents should be easy to understand and allow them to make informed decisions about their children's education.

To meet objective (i) the Department for Education (DFE) requires annual statistical returns from LEAs to help discern long term trends and the impact of Government policy.

To meet objective (ii) the DFE will revise the Regulations relating to the information which LEAs must publish for parents, and can also issue new regulations under the 1992 Act. In particular, parents will have access to indicators for all schools, including comparative and national information covering a series of performance indicators, including, but not exclusively, examination results.

Further Education for Adults
Functions and legislation

Under the Further and Higher Education Act 1992, responsibility for securing the provision of most kinds of further education will pass to the Further Education Funding Councils for England and Wales. Local education authorities (LEAs) will continue to have a duty to secure adequate facilities for the provision of certain kinds of further education for adults. This duty will, with effect from April 1 1993, embrace all courses other than those outlined in Schedule 2 to the Act. (This is annexed.) This will largely take the form of provision of a more informal kind, not leading to qualifications. LEAs will, in addition, have a power to provide all kinds of further education for adults, including provision of a Schedule 2 type.

LEAs will continue to be responsible for securing inspection and standards in those further education institutions which remain under their control, such as free-standing adult education institutes.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

In providing further education for adults, local authorities are likely to need to work closely with a number of other agencies, including the Further Education Funding Council, local colleges of further education, voluntary organisations, youth and community services and, in the case of provision for those with special needs, health authorities.

Policy objectives

LEA provision of further education should serve local and community needs. It can contribute to a range of purposes, including acting as a stepping stone to more formal study and to active citizenship.

Annex

Schedule 2 to the Further and Higher Education Act

The descriptions of courses of further education referred to in Section 3(1) of this Act are the following:

- (a) a course which prepares students to obtain a vocational qualification which is, or falls within a class, for the time being approved for the purposes of this sub-paragraph by the Secretary of State.
- (b) a course which prepares students to qualify for (i) the General Certificate of Secondary Education, or (ii) the General Certificate of Education at Advanced Level or Advanced Supplementary Level (including Special Papers),
- (c) a course for the time being approved for the purposes of this sub-paragraph by the Secretary of State which prepares students for entry to a course of higher education,
- (d) a course which prepares students for entry to another course falling within paragraphs (a) to (c) above,
- (e) a course for basic literacy in English,
- (f) a course to improve the knowledge of English of those for whom English is not the language spoken at home,
- (g) a course to teach the basic principles of mathematics,
- (h) in relation to Wales, a course for proficiency or literacy in Welsh.
- (i) a course to teach independent living and communication skills to persons having learning difficulties which prepares them for entry to another course falling within paragraphs (d) to (h) above.

Youth Services

Functions and legislation

The Youth Service is included under a provision in the Education Act 1944 which lays a general duty on LEAs to provide adequate facilities for further education including 'social, physical and recreational training' and 'organised leisure-time occupation provided in connection with the provision of such education'. This provision has been incorporated into the Further and Higher Education Act 1992.

The youth service is made up of the small, local authority-based service, mostly in LEAs, but sometimes attached to leisure or community departments.

Facilities provided include youth clubs and specialised centres. The service also extends to work with young people who do not attend such centres, by means of detached and outreach work, which is normally targeted on young

people at risk in inner urban areas. A substantial proportion of youth service facilities are provided by voluntary organisations, some of which are supported by the local authority.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

Like the rest of the general population, young people come into contact with, and make use of services generally available, both locally and nationally. These include the health service, police, probation and careers. Some may also make use of specialist agencies such as consumer rights, helplines and drug projects. The youth service is, therefore, inevitably engaged in a number of relationships with others who work with young people. Within a local authority area, there has been a growing relationship between formal education and the youth service in relation to school-based youth work provision, for example youth tutors working as part of school staff teams contributing and working in complementary ways on the personal and social education of young people.

Policy objectives

The objectives include:

- the promotion of further developments in the youth service curriculum, management and training through the National Youth Agency (NYA), and support for the NYA in establishing itself as an effective central agency;
- streamlining the administration of grants to National Voluntary Youth Organisations as part of the review of Government funding of the voluntary sector, whilst seeking to develop better cooperation with voluntary bodies;
- helping the youth service increase its efficiency, effectiveness and good practice.

Sports and Recreation Functions and legislation

Local authorities have discretion under the Local Government (Miscellaneous Provisions) Act 1976 to make provision for sport and leisure facilities and staff, including instructors at those facilities. The facilities are wide-ranging and include those in sports and leisure centres/halls swimming pools, playing pitches, and other facilities provided specifically for individual sports. Parks and open spaces generally are also provided by local authorities. In addition, local authorities promote participation in sport and recreation through, for example, the employment of sports development officers, running courses and training/coaching programmes to promote higher standards of performance and providing grants to further these aims.

Under the Local Government Act 1988 local authorities are required to submit the management of their sports and leisure facilities to competitive tendering, beginning in January 1992, if they wish to manage the facilities themselves.

Tiers of local government responsible

District councils and London borough councils have the main interest in sport and recreation provision. County councils are often the principal tier concerned with countryside recreation and may also be actively involved in sports participation and performance programmes.

Links with other agencies

Local authorities' main links on sport and recreation are with the Sports Council and the Regional Councils for Sport and Recreation. The Sports Council is a Non-Departmental Public Body (NDPB) sponsored by the Department for National Heritage and is responsible for promoting all aspects of sport and active recreation. The Regional Councils for Sport and Recreation are supported by the Sports Council and are made up of representatives from local authorities, governing bodies of sport and voluntary bodies, amongst others. The Regional Councils provide a forum for coordination and planning for sport in the regions.

Policy objectives

The objectives for local authorities were announced in the recent policy statement, "Sport and Active Recreation". These are:

- encouraging greater use of their assets;
- working in partnership with the private sector and the local community for the improvement of existing sports and leisure facilities and the provision of new ones;
- working with voluntary organisations, sports clubs and the education services to harness available local skills and effort to increase participation and improve performance in sport and active recreation;
- ensuring in most rural areas, in their role as planning authorities, that a proper balance is struck between the interests of sport and outdoor recreation and those of conservation.

Careers Service

Functions and legislation

Under the Employment and Training Act 1973, as amended by the Employment and Training Act 1981 and the Employment Acts 1988 and 1989, local education authorities (LEAs) must provide a careers guidance and placing service to people in full or part-time education (other than universities). The Careers Service is the main agency for placing 16–19 year olds into jobs and training. In 1991, over 2.8 million interviews were carried out both in and post school. 45,000 young people were placed into jobs and 135,000 into Youth Training.

The Careers Service contributes significantly towards the success of a wide range of employment, training and education initiatives eg Youth Training, Training Credits, Compacts, Careers Education and the National Curriculum and the National Vocational Qualifications programme.

It is estimated that total Careers Service expenditure, in England, in 1991/92 was £135 million. There are around 6,800 Careers Service staff in England, 3,600 of whom are fully qualified careers officers, holding the Diploma in Careers Guidance (DCG).

Tiers of local government responsible

Careers services are provided by county councils, metropolitan district councils and London borough councils.

Links with other agencies

The Careers Services maintains close links with a wide range of services operated by the LEAs in schools and colleges. Strong links also exist with the Social Services Departments of local authorities, economic development agencies, training and education providers, employers and local Employment Services.

The Government encourages Careers Services to work closely with Training and Enterprise Councils (TECs). The Careers Service currently provides guidance and placing services in relation to Youth Training and, in some cases, Employment Training. In Training Credit pilot areas, Careers Officers work closely with TECs to provide an action planning service. More and more services are becoming involved in all-age guidance.

The White Paper "Education and Training for the 21st Century", published in May 1991, proposed that local education authorities and TECs should work closely together to oversee the running of the Careers Service. In 1992/93, the Government is to provide pump-priming funds to help over 50 such Careers Service Partnerships to develop.

The Government proposes, further, to introduce new legislation which will remove the existing statutory duty from LEAs and open up a range of options for managing the Careers Service including extending compulsory competitive tendering. Neither the timing of the legislation nor the likely date of its implementation is yet certain.

Policy objectives

The objective is for the Careers Service to support economic growth by promoting a competitive, efficient and flexible labour market; to motivate young people to achieve their full potential; and to develop the skills which the economy needs.

Libraries and museums

Library Services

Functions and legislation

Under the Public Libraries and Museums Act 1964 local authorities have a duty to provide a "comprehensive and efficient" service for all who wish to make use of it. The Act also laid down a duty on central Government, "to superintend, and promote the improvement of, the public library service in England ..., and to secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities".

Every library authority is required to furnish such information and provide such facilities for the inspection of library premises, stocks and records as the Minister may need to enable him to carry out his duties under the Act. If authorities fail to do their duty, there are powers to give directions and ultimately to take over their services.

Public libraries are often the first point of contact between the general public and the wide range of special, regional and national libraries.

Reference services, and book lending services for those who live, work or study full-time in a library authority area must be provided free of charge by that authority – but it may charge for lending non-book materials.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

There exists a high level of formal and informal co-operation in all parts of the library system (public, academic and special libraries, including those of Government, learned and professional societies, industry and commerce). This includes ten library systems covering the whole country (and extending to the Republic of Ireland), many local library co-operative schemes and a smaller number of computer based co-operatives to share bibliographic and other records. In addition, there are a large number of semi-formal and informal co-operative groups brought together by geography, subject specialisation or shared interests.

Owing to the pervasive nature of information needs, public libraries work closely with most other local authority departments. In particular, there are close links with education, social service and leisure departments, and with the voluntary sector. Arts and museums functions are often vested in the libraries department, and in some local authority structures, libraries are themselves part of a larger directorate such as education or leisure.

Policy objectives

The objectives are to ensure that in each area there is comprehensive provision of and reasonable access to a range of library facilities which reflects the needs of the local population and meets basic service and coverage standards.

Museums and Art Galleries

Functions and legislation

The Public Libraries and Museums Act 1964 gives local authorities discretionary powers to provide and maintain museums or to transfer a museum or gallery and its collections to another local authority.

Tiers of local government responsible

County councils and district councils.

Links with other agencies

Many county councils operate a County Museum Service which provides advice and services such as education and conservation. Museums and galleries operated at district level can benefit from these services which would not be economical on an individual museum basis. General museum networking can also lead to benefits in shared information and expertise and economies of scale. Links with Area Museum Councils are also necessary to allow local authority museums and galleries to benefit from a wide range of services and grants.

In view of their important educational role museums and galleries need to form links with Local Education Authorities and, with regard to their relationship with tourism, with local Tourist Boards and Tourist Information Centres.

Policy objectives

Local authorities should develop policies to ensure an appropriate level of museum provision in their area and regularly review the running of their museums and galleries and the services they provide.

Personal social services

Overview

Functions and tiers of local government responsible

Responsibility for the delivery of personal social services in England rests with county councils, metropolitan district councils and London borough councils. These 108 social services authorities arrange for the provision of personal care services for vulnerable people, including those with special needs because of old age or physical or mental disability and children in need of care and protection. Examples are residential care homes for the elderly, home help and home care services, and social workers, who provide help and support for a wide range of people.

Social services authorities are required to act under the guidance of the Secretary of State. They also work closely with health authorities and with voluntary and private organisations involved in the provision of residential and other social care.

Community Care Reforms and Plans

Local authorities are required annually to prepare and publish community care plans based on an assessment of the care needs of the local population. In drawing up the plans they are required under the National Health Service and Community Care Act 1990 to consult District Health Authorities, Family Health Services Authorities, housing authorities, voluntary housing associations, other bodies providing housing or community care services and representatives of service users and their carers. All agencies involved are expected to work together to develop planning agreements or joint plans. The Act also makes provision for the Secretary of State to call for reports or issue directions on community care services where this seems necessary.

Assessment – requirement

From 1 April 1993 social services authorities will be required to have in place a procedure for assessing those for whom they have a duty or a power to provide community care services. They will decide in the light of the assessment whether they should arrange for the provision of such services. They should develop an assessment procedure which is responsive to the needs of the wide range of individuals who may seek care, consulting other agencies (including local housing authorities) as appropriate. This procedure should actively involve clients and their carers, wherever possible, seeking their views and wishes concerning the services they need. Assessment will need to take account of the support from carers that is available or can be arranged. Service users and their carers should be informed of the result of the assessment and of any services to be provided. Carers may also ask for an assessment of their own needs.

Mixed economy of care

The White Paper "Caring for People" and policy guidance "Community Care in the Next Decade and Beyond" encourage the mixed economy of care, with local authorities moving away from the role of sole provider to the role of enabler and facilitator. Authorities are encouraged to make use, as far as possible, of services from voluntary and private providers, insofar as these

represent a cost effective and high quality care option. It will be for local authorities to place contracts with the providers of care they consider best able to meet the assessed needs of the clients.

Purchasing and commissioning

Local authorities should work towards securing a mixed economy of care which meets the care needs of their local communities. They should develop their ability to draw up appropriate service specifications and contracts for different care services with providers of care, including the voluntary and private sector as well as the authorities' own services.

Funds are to be transferred from the Department of Social Security to local authorities in April 1993, after which time social services departments (SSDs) should commission residential care, nursing home care, day care and packages of domiciliary care. The development of an environment where a number of high quality providers can compete to offer a choice of services provision should enable SSDs to secure value for money, ensure a wide range of choice for service users and reduce the scope for monopoly abuse. SSDs should ensure that quality standards are specified in contracts and that these are monitored and met in all care packages.

SERVICES FOR ADULTS

Residential and Nursing Home Care – Adults

Functions and legislation

Under the National Assistance Act 1948 and the National Health Service Act 1977 local authorities have a duty to provide, either directly or through arrangements with the independent sector, residential accommodation for people in need of care and attention. This covers a wide range of types of accommodation, mainly residential care homes, hostels and group homes, for people who are elderly, mentally impaired or have physical disabilities, or who need treatment for alcohol or drug misuse.

From April 1993 – when the National Health Service and Community Care Act 1990 is fully implemented – local authorities will be responsible for assessing individuals' need for care and arranging packages of care services including residential and nursing home care if appropriate. The changes that take place in 1993 will not alter the responsibilities of health authorities for those requiring continuing health care. Those authorities will continue to be able to place patients in nursing homes as they do now. From April 1993 those people who would have approached the Department of Social Security for financial help to enable them to apply for residential care or nursing home care will approach their local authority for an assessment of need.

Links with other agencies

Local authorities may fund people in residential accommodation in the independent (private and voluntary) sector as an alternative to providing accommodation directly themselves. All service provision for those who misuse alcohol and drugs is in the independent sector.

Additionally health authorities and housing authorities are involved, as the care required is frequently linked with health care needs, and there are requirements for liaison on planning, and the need for on-going management links at organisational level and in respect of individuals. In terms of housing it is often the case that adequate housing with additional domiciliary support would reduce need for specialist care.

The 1990 Act requires local authorities to obtain health authority consent before placing clients in nursing homes. It is expected that health authority approval will normally be obtained through participation in the assessment process. Policy guidance to authorities makes clear that appropriate medical and nursing advice should be sought when residential or nursing home care is being considered.

As the majority of residents receive social security benefits, mainly retirement pension and income support, close links should be maintained with central Government.

Policy objectives

The objectives are to make efficient use of residential care or nursing home care resources and to ensure that where contracted service is provided it accurately meets the assessed care needs of residents.

**Day and Domiciliary Care –
Adults**

Functions and legislation

Local authorities have a duty to provide or arrange the provision of day and domiciliary care including home help/home care, meals-on-wheels, day activities and similar services under: the National Assistance Act 1948; the Health Services and Public Health Act 1968; the Chronically Sick and Disabled Persons Act 1970; the National Health Service Act 1977; the Health and Social Services and Social Security Adjudications Act 1983; and the National Health Service and Community Care Act 1990 (operative from April 1993).

Links with other agencies

Local authorities may contract with the independent (private and voluntary) sector as an alternative to providing services directly themselves. They should also work closely with their District Health Authorities. The care required is frequently linked with health care needs and there are requirements for liaison on planning, and the need for on-going management links at organisational level and in respect of individuals.

Policy objectives

Objectives are to promote the further development of domiciliary, day and respite services to enable elderly and other vulnerable people to live in their own homes or homely settings wherever feasible and sensible.

**Services for People with
Disabilities**

Functions and legislation

Under the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986 social services departments (SSDs) must provide a range of social services for disabled people (including those with a learning disability or with a mental illness) if they are satisfied that a need exists in the case of the disabled person in question. SSDs must take steps to establish the numbers of disabled people living in their areas, and publish information about services available. Disabled people who use any local authority service should be informed of any other services available which are relevant to their needs.

The services which may be provided include practical assistance in the home; provision of recreational facilities; assistance in arranging adaptations to the home, or the provision of additional facilities designed to secure greater safety, comfort or convenience; holidays; meals; and the provision of a telephone and any special equipment needed to enable the disabled person to use it.

Links with other agencies

The 1986 Act laid down procedures for liaison between SSDs and Local Education Authorities so that disabled school leavers are identified and assessed for appropriate social services, to assist their transition to adult life.

Additionally the nature of their duties requires that they establish and maintain close links with health authorities, at various levels. They should also have links with relevant voluntary organisations.

Policy objectives

The objectives are that SSDs should develop close links with other agencies (including local housing authorities) to promote the development of "seamless" service delivery.

Services for Mentally Disordered People

Functions and legislation

Local social service departments (SSDs) must provide services for mentally disordered people. These include:

- residential accommodation for persons who by reason of age, infirmity or any other circumstance are in need of care and attention which is otherwise not available to them (National Assistance Act 1948).
- arrangements for promoting the welfare of persons who suffer from mental disorder of any description, and other specified forms of handicap (National Assistance Act 1948).
- arrangements for the prevention of illness (including mental disorder), the care of persons suffering from illness, and the after-care of persons who have been so suffering (National Health Service Act 1977).

Local social services departments should collaborate with District Health Authorities who are required to initiate individually tailored care programmes for all psychiatric in-patients about to be discharged from hospitals and all new patients accepted by the specialist psychiatric services. There may be need to consult local housing authorities and the voluntary housing sector.

The Mental Health Act 1983 places a duty on the District Health Authority and the local authority SSDs to provide, in cooperation with relevant voluntary organisations, after-care services for any eligible person; requires the local SSD to appoint a sufficient number of approved social workers, and requires the local authority to arrange visits to certain patients in psychiatric hospitals or mental nursing homes.

Policy objectives

The main objective is to develop locally-based services, by working with the health authorities and with voluntary and private sectors, to meet the needs of people of all ages suffering from mental illness, or learning disability, and including those with dementia.

Services for People with AIDS *Functions and legislation*

A specific grant is available under the provisions of the Local Government Grants (Social Need) Act 1969 to local authorities for expenditure on social services for people with AIDS. The general aims of the grant scheme are to encourage local authorities to develop strategic plans to respond to HIV infection and to develop operational plans for the provision of services to meet the emotional and practical needs of those infected and their partners and families. The Support Grant is made in recognition of local authorities' important role in providing services to people with HIV and AIDS.

Links with other agencies

The AIDS voluntary sector has a vital role to play in the fight against AIDS. In the circular inviting bids for 1992/93 authorities were told that the Department of Health will be looking for evidence that the voluntary sector is properly integrated into local planning structures and receives a level of financial support that is both realistic and fair.

For the future authorities will need to embed AIDS/HIV services within the community care framework. The Government expects community care plans to reflect the range of home support and other services being provided to people with AIDS or HIV.

SERVICES FOR CHILDREN

Family Support

Functions and legislation

The Children Act 1989 lays down the powers and duties of local authorities Social Services Departments (SSDs) to provide services for children where the local authority considers to be in need (as defined by the Act) and their families. Authorities should:

- provide services for children in need, their families and others.
- provide and maintain accommodation for children.
- review cases and make inquiries into representations.

Links with other agencies

SSDs should liaise closely with health authorities, local education authorities and housing authorities in providing services for children and their families within their area. They should also work closely with voluntary organisations and local Department of Social Security offices where appropriate.

Policy objectives

The objectives are to identify children and families in need of support services and provide those services which will best meet their needs as necessary. In doing so, they should recognise the responsibilities and duties of parents.

Adoption

Functions and legislation

Under the Adoption Act 1976 and the Children Act 1989 local authorities have a duty to establish and maintain within their area a service designed to meet the needs, in relation to adoption, of children who have been or may be adopted, the parents and guardians of such children, and persons who have adopted or may adopt a child.

As part of the service local authorities should provide temporary board and lodging where needed by pregnant women, mothers or children; arrangements for assessing children and prospective adopters and placing children for adoption; and counselling for persons with problems relating to adoption.

Links with other agencies

Provision of an adoption service necessitates links with several kinds of agency including adoption societies approved by the Secretary of State, local law enforcement agencies, the courts, health authorities and family health service agencies.

Policy objectives

The main objective is that the interests of all children are protected and their welfare safeguarded. In particular, when adoption is considered to be in a child's best interests, the standards and safeguards applied in the preparation

of the child and adoptive parents comply fully with the 1989 Act. The Government has begun a review of adoption law which includes looking at current social work practice and principles, (both in the United Kingdom and abroad), court procedures and international law. Underlying the review are the principles set out in the UN Convention on the Rights of the Child which was ratified by the United Kingdom in December 1991.

Child Protection

Functions and legislation

Under the Children Act 1989 local authority social services departments (SSDs) have a duty to take action to safeguard and promote the welfare of children, and to investigate and take appropriate protective action when a child is suffering, or is likely to suffer, significant harm. Social Services Departments are also responsible for the provision of accommodation and maintenance for children taken into care under a care order.

Links with other agencies

SSDs should liaise with the police, voluntary organisations, health services, local education authorities, the probation service and the Crown Prosecution Service when meeting their responsibilities in child protection and as constituent members of local Area Child Protection Committees with representatives from the agencies concerned.

SSDs should also liaise with voluntary agencies, local education authorities and health authorities in providing accommodation and maintenance, especially when placing children with local authority foster parents under Part III of the Children Act 1989.

Policy objectives

The key objectives for child protection are: to promote decisive action where necessary to protect children from abuse; and to ensure appropriate opportunities for parents, children and others to present their points of view and to work in partnership with local authorities and others.

Residential Child Care

Functions and legislation

The powers and duties of local authorities' social services departments (SSDs) to provide accommodation for children they are looking after or who are in their care are set out in the Children Act 1989 and its associated Regulations and guidance.

Local authorities must safeguard and promote the welfare of children in their care, provide them with accommodation and maintain them in other respects. Local authorities must ensure that community homes are available, and that such accommodation is suitable for different purposes.

Local authorities must also ensure that the welfare of children in voluntary and private children's homes, independent schools, local health or education facilities and residential care homes, nursing homes and mental nursing homes within their area is being adequately safeguarded and promoted.

Certain community homes also contain secure accommodation for young people. Such accommodation has to be approved by the Secretary of State, and can only be in a local authority maintained, controlled or assisted community home.

Links with other agencies

SSDs maintain regular contact with health, education and housing services, the Department of Social Security's Benefits Agency, voluntary organisations, the probation service and the private sector.

Policy objectives

The main objective is to provide a high standard of residential care for those children who may need it and to ensure that the welfare of children so accommodated is safeguarded and promoted.

**Review of Day Care Services
Used By Under Eights**

Functions and legislation

Under the Children Act 1989 social services departments (SSDs), together with the local education authorities (LEAs), have a duty to review the day care services in their area at least once every three years and publish a report. In the process the authorities should have regard to representations from health authorities and any other persons they consider relevant.

Links with other agencies

The legislation lays down that the duty must be discharged jointly by SSDs and LEAs. Liaison with other departments such as leisure services, parks and recreation may be needed to put together information about facilities used by younger school-aged children.

Policy objectives

The objectives are that the pattern and development of day care services should be worked out locally but that provision should be reviewed at specified intervals by local organisations and individuals.

**Registration and Inspection of
Residential and Other
Facilities**

Functions and legislation

Local authorities' social services departments are responsible for a number of registration and inspection functions:

- registration and inspection of private and voluntary residential care homes catering for people in need of personal care because of old age, disablement, or past or present dependence on alcohol or drugs or mental disorder under the Registered Homes Act 1984;
- the inspection of comparable local authority homes under directions issued under the Local Authority Social Services Act 1970, as amended by the National Health Service and Community Care Act 1990;
- under the Children Act 1989 and the Children's Homes Regulations 1991 the registration and inspection of private children's homes (known as registered children's homes), including independent boarding schools with 50 or fewer boarders and not approved for special education;
- the inspection of independent boarding schools accommodating more than 50 boarders or approved for special education under the Children Act 1989;
- the inspection of local authority children's homes and the registration, and inspection of childminders and those who otherwise provide day care for under eights (for example, nurseries, play groups, play schemes).

Links with other agencies

Principal working links exist with:

- health authorities who inspect nursing homes registered under the Registered Homes Act. (This is increasingly important as from April 1993 local authorities will be able to arrange placements in nursing homes and will want to be sure of the quality of care provided);
- Her Majesty's Inspectorate of Schools and the Department for Education about the inspection and registration of independent schools;

- local education authorities, for advice in particular in relation to facilities for the under eights;
- health, environmental health, planning, fire and police authorities.

Policy objectives

The objectives are: to provide protection for potentially vulnerable residents; to provide a high standard of care in homes, and in particular the quality of life for residents; and to safeguard and promote the welfare of children, by ensuring that services operate to an acceptable standard in the interests of children's welfare and protection.

Housing

Housing is almost exclusively a district level function. Local housing authorities (LHAs) have a duty to provide permanent accommodation for people accepted as homeless and in priority need and a duty to deal with unfit private housing. Authorities own and manage some four million units of housing but Government policy is that they should increasingly adopt an enabling role, assessing needs and resources in their area but relying mainly on housing associations and the private sector for new provision. Local authority revenue expenditure on provision of their own housing amounted to about £6.2 billion in 1991/92. Approximately 40% of this was met by rents (net of rebate) and the remainder by Government subsidy. (£3.75 billion in 1991/92). LHAs incurred about £0.3 billion of revenue spending on non-Housing Revenue Account housing activities, mainly provision of temporary accommodation for homeless families. Approximately £2.9 billion is estimated to have been spent on housing capital investment in 1991/92. Of the total, about £1.5 billion was financed by new borrowing, about £0.4 billion from capital grants and the rest from authorities' own resources.

Functions and legislation

Local authorities have powers to provide housing under the Housing Act 1985 (HA 1985). Most do so. A small number have transferred their entire housing stock to other bodies. Most local authority tenancies are secure tenancies under the 1985 Act.

LHAs have a number of obligations connected with the management of their own housing stock. The principal responsibilities are set out in the HA 1985; the Landlord and Tenant Act 1985 (LTA 1985); and the Local Government and Housing Act 1989 (LGHA 1989).

The LGHA 1989 requires all local housing authorities to maintain a Housing Revenue Account (HRA) covering all financial transactions connected with housing provided under Part II of the HA 1985. The duty to maintain a HRA applies even where an authority has no housing, unless the Secretary of State for the Environment gives consent for the HRA to be closed. The LGHA 1989 ring-fenced the HRA, curtailing discretionary transfers of funds to and from the HRA. The Act also requires authorities to budget to avoid a deficit on the HRA and take all reasonable steps to avoid a debit balance; and created a new HRA subsidy by combining the former rent rebate and housing subsidies.

Under the Social Security Act 1986, local authorities are required to operate schemes for granting rent rebates to council tenants and rent allowances to private tenants on low incomes. The cost of rent rebates granted to council tenants is charged to an authority's HRA and subsidised through HRA subsidy. The cost of rent allowances and rent rebates to non-HRA tenants are charged to the General Fund, 95% of the cost is subsidised by the Department of Social Security; the remaining 5% is met from an authority's general fund.

Local authorities have a number of other powers incidental to the management of council housing. Under the HA 1985 most local authority tenants who have secure tenancies have the right to buy their homes. The Housing Act 1988 allows local authorities, with the consent of the Secretary of State for the Environment, to pay cash incentives to tenants to move out, enabling them to relet their existing stock.

LHAs are bound under the HA 1985, as amended by the LGHA 1989, to consider at least once a year the housing conditions in their districts with a view to determining what action to take in performance of the following functions:

- enforcement action in respect of properties determined as unfit for human habitation;
- slum clearance;
- declaring renewal areas for poor condition private housing;
- determining house renovation grant applications; and
- preparation of group repair schemes.

Housing authorities may also operate the improvement for sale scheme under the HA 1985, and determine applications for disabled facilities grant and support home improvement agencies under the LGHA 1989.

Under the HA 1985 housing defects legislation housing authorities are obliged to assist eligible owners of designated house types bought from public sector landlords. Assistance can be given by way of reinstatement or repurchase.

Authorities have powers under the Housing Act 1988 (HA 1988) to use their capital resources to finance developments by housing associations; in such cases Housing Association Grant is paid by the Housing Corporation on the same basis as for schemes that it sponsors directly. Authorities also have power under the Local Government Act 1988 to give financial assistance to private landlords.

LHAs may grant mortgages to individuals for house purchase and improvements under the HA 1985.

Local authorities have a duty under the HA 1985 to secure suitable accommodation for anyone found to be unintentionally homeless and in priority need and who has no local connections with another local authority. This need not be in an authority's own accommodation but may be in housing association or private housing. Where authorities transfer all or part of their stock to an independent landlord they retain the duty to secure accommodation; this responsibility cannot be delegated to the new landlord.

Local authorities have various powers and duties in relation to private rented housing. These include:

- power to control overcrowding in residential property under the HA 1985;

- powers to require improvements in the conditions of houses in multiple occupation under the HA 1985;
- powers to control common lodging houses under the HA 1985;
- powers to institute proceedings for offences under the Accommodation Agencies Act 1953; Caravan Sites Act 1968; Rent (Agriculture) Act 1976; Protection from Eviction Act 1977; Rent Act 1977; and the Landlord and Tenant Act 1985;
- power to restore water, gas and electricity supplies cut off because the landlord has failed to pay the bill, and to recover the money from the landlord under the Local Government (Miscellaneous Provisions) Act 1976; and
- a duty under the Rent (Agriculture) Act 1976 to rehouse ex-agricultural workers where accommodation is needed for incoming workers;

Local authorities have powers to make compulsory purchase orders in relation to housing in support of their housing functions under the provisions of the HA 1985; the Housing Associations Act 1985 and the LGHA 1989.

Local authorities act on behalf of the Government in administering the local rent officer service under schemes drawn up for each rent registration area under the Rent Act 1977. The local authority, in consultation with the Secretary of State, is responsible for the appointment of Rent Officers and the designation of Senior and Chief Rent Officers and is required to provide support staff who, unlike Rent Officers, are local authority employees.

Tiers of local government responsible

Responsibility for housing functions lies with district councils and London borough councils with the following exceptions:

- the HA 1985 empowers county councils to own and manage housing for rent. However, where county councils run stocks of housing, usually for the use of their employees, the management function is generally delegated to the district council;
- the Chronically Sick and Disabled Persons Act 1970 gives county councils powers and duties to provide financial assistance, in cases of hardship, to disabled people needing adaptations to their homes;
- the Rent Officer Service (outlined above) is attached to county councils and London borough councils.

Links with other agencies

LHAs should maintain close working links with housing associations, private landlords and developers. They should also maintain links with social services departments in respect of the latter's duties for community care and under the Children Act 1989, and also in relation to the work of home improvement agencies. They must consult social services departments on applications for disabled facilities grant and should also liaise with planning authorities on the provision of adequate land for both private and social housing.

Policy objectives

Key objectives for LHAs are that they should move away from their traditional role as direct providers of housing and towards an enabling role, assessing the needs of their area and working with housing associations,

private landlords and developers to ensure that these needs are met. LHAs should also meet their obligations under the homelessness legislation; manage and maintain their stock in an efficient manner; inspect housing conditions and deal with applications for renovation grants. In preparing their Housing Investment Programme bids, which are used to determine capital allowances to individual authorities, LHAs should prepare local housing strategies which cover their responsibilities in particular in relation to renovation of their own housing; renovation of private housing; and the need for new housing, including social housing.

Gypsy Site Provision and Control of Illegal Gypsy Camping

Functions and legislation

Under the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968, the Local Government Planning and Land Act 1980, and the Local Government and Housing Act 1989 local authorities are required to provide adequate accommodation for gypsies. When adequate accommodation has been provided, or when the Secretary of State considers that it is not necessary or expedient to make such provision, he may designate an area. Designation provides the local authority with access to criminal law powers to control illegal gypsy camping. The Secretary of State may make grants to any authority in respect of capital costs of gypsy site construction.

Tiers of local government responsible

County councils have the duty to provide adequate sites for gypsies residing in or resorting to their area. A county is required to consult with the council of a district in whose area it proposes to acquire or appropriate land for a gypsy site. The duty on London borough councils and metropolitan district councils to provide such accommodation is limited to providing it for fifteen caravans. However, those authorities may provide accommodation for more caravans if they deem it to be appropriate.

District councils have the duty to provide and manage accommodation for gypsy caravans on land acquired and appropriated for the purpose by the county council.

Policy objectives

The objectives are to make adequate provision for gypsies residing in or resorting to the local authority's area; and to control illegal camping.

Law and order services

The Police Service

Functions and legislation

Police organisation is locally based. In addition to the Metropolitan Police, to which separate arrangements apply, there are 38 separate forces. Policing is based on a tripartite structure of Home Secretary, police authorities and Chief Constables. The Chief Constable has direction and control of the local force, the police authority is responsible for securing the maintenance of an adequate and efficient force and the Home Secretary is responsible for exercising his powers to such an extent as he thinks best for promoting the efficiency of the police. This structure is enshrined in the Police Act 1964 which was framed to ensure that no one of the parties could gain complete control while each of them should bring due influence to bear on those areas of concern to them.

The service is funded by 51% specific grant from the Home Office with the remainder being met through the Revenue Support Grant. (The Metropolitan Police, however, receive specific grant of 52%.) Expenditure by police authorities in 1990/91 was £4.5 billion of which £1.3 billion was incurred by the Metropolitan Police, £1 billion by the six joint police authorities and £2.2 billion by the county and combined police authorities and the City of London police.

Tiers of local government responsible

For each provincial force in England there is a police authority. Two-thirds of the members of the police authority are local elected councillors and one third are magistrates. Usually there is a separate police force for each county outside London but in some areas 2 or 3 counties are covered by one force.

The police authorities of single counties are committees of the county council. There are also six combined police authorities which each serve two or more counties. In these cases the police authority is generally a body corporate drawing its membership proportionately from the constituent counties with representatives from their councils and magistrates. There is also one combined police authority which is constituted differently: Hampshire Constabulary covers Hampshire and the Isle of Wight, but its police authority is a committee of Hampshire County Council.

Joint police authorities were created by the Local Government Act 1985. With the abolition of the metropolitan county councils in 1986, a new body took over in the Northumbria police area, including the Metropolitan County of Tyne and Wear each area of the remaining five metropolitan counties as the police authorities in these areas, composed of two-thirds district councillors and one third magistrates. The number of councillors to be appointed from each district is laid down in Schedule 10(2) of the Local Government Act 1985.

The Northumbria Police Force covers both Tyne and Wear and Northumberland. Here the councillor membership of the police authority comprises

county councillors nominated by Northumberland and district councillors nominated by the districts in the metropolitan county of Tyne and Wear, in numbers laid down in Schedule 10 to the Local Government Act 1985.

The Metropolitan Police Service is responsible for a large area including the whole of Greater London. The Commissioner of Police for the Metropolis has broadly the same responsibilities and duties as the Chief Constable of a provincial force but the police authority does not comprise local representatives but is the Home Secretary himself. The police authority for the City of London is the Common Council of the City of London.

Links with other agencies

Within a police authority area the police service operates closely with other services, particularly fire and civil defence, the probation service and Magistrates' and Crown Courts. It has semi-formal links with virtually all other local authority service departments and with many voluntary organisations.

Policy objectives

The principal objective of the police authority is to fulfil its statutory duty under the 1964 Police Act of maintaining an adequate and efficient police force for the area. The police authority should set the force's budget, and allocate it in ways conducive to fulfilling its duties. This includes determining the number of police officers of each rank in the force subject to the approval of the Home Secretary and in compliance with the Police Regulations; determining and employing the number of civilian staff necessary to support police operations; and providing and maintaining (subject to the consent of the Secretary of State) all buildings, vehicles and other equipment necessary for police purposes.

The police authority also ensures that the police force is formally accountable to the local electorate. In order to meet this objective, members of the police authority are responsible for appointing the chief constable and other senior officers subject to the approval of the Secretary of State, of the force above the rank of Chief Superintendent; they are required to make arrangements for obtaining the views of local people about matters concerning the policing of the area; and they must keep themselves informed of complaints against the force.

Probation Services

Functions and legislation

The main responsibilities of the probation service are: to provide advice and information to the courts, mainly to assist with sentencing; to plan and manage the supervision of offenders; to enforce the requirements of court orders; to provide, with the prison service, through-care for offenders sentenced to custody and supervise them after release where required by law; to manage bail and probation/bail hostels and other accommodation for offenders and defendants under supervision; and to contribute to wider work in the community to prevent crime and support victims.

About 10% of the probation service's work is in the family justice system, mainly in matrimonial proceedings where the custody of children is in question.

Whilst often described as the 'probation service' there are in fact 55 probation services, which operate at arm's length from both central and local government. Each of these services is run by a body corporate known as a probation committee. The committees are the employers of staff. Funding is through local authorities. Most activities are supported by a cash-limited 80% specific

grant from central Government, some by 100%. There is a separate funding system for bail and probation/bail hostels, for which central Government effectively provides 80% grant. The main statutory arrangements for the organisation of the probation service are in the Powers of Criminal Courts Act 1973.

Tiers of local government responsible

In most cases probation areas currently follow county boundaries, including the metropolitan counties. The only exception to these arrangements in England is Hampshire (covering Hampshire and the Isle of Wight). Greater London is covered by five separate probation areas. In the non-metropolitan counties, county councils fund the services; in the metropolitan counties the metropolitan district councils do so. In London funding is discharged by the Receiver to the Metropolitan Police, who precepts the London boroughs. The City of London is a funding authority of the new Inner London and City Probation Committee which came into existence on 1 April 1992.

Whilst local authorities have no direct control over the activities of probation committees they have to be consulted about budgets, because of their contribution to the service's costs. They tend, therefore, to be consulted on major proposals for change.

In the shire counties currently the probation committee secretary must be an officer of that committee's local authority, whilst the treasurer must be the local authority's finance officer (but see below).

At present in the metropolitan counties each of the constituent district councils has one representative on the probation committee.

Links with other agencies

Close links must be maintained with other criminal justice agencies -the police, the Crown Prosecution Service, Crown Courts and magistrates courts, and the prison service; and with a number of voluntary bodies. The probation service co-operates with local authorities and others to deliver local crime prevention initiatives including Safer Cities programmes where appropriate. Recent legislation such as the Criminal Justice Act 1991 and the Children Act 1989 has underlined the need for close links with local authority personal social services and housing departments, given the extent to which issues such as policy on youth courts, drugs and homelessness cross agency boundaries.

Policy objectives

The Government's policy objectives are geared to equipping the probation service to perform effectively in the face of the new and heavy demands which will be placed on the service by the Criminal Justice Act 1991, the sentencing provisions of which are to be implemented in October 1992. In particular, the Government published in April 1991 a document "Organising Supervision and Punishment in the Community", announcing plans to reorganise the probation service. The proposals, which are currently being pursued in consultation with the service, involve:

- replacing probation committees with smaller, more broadly based Probation Boards with an emphasis on policy-making and strategic planning. It is intended that each Board should have two local authority appointees and the freedom to appoint its own secretary and treasurer if it so wishes;
- improved arrangements for liaison between the probation service, magistrates and judges; and

- better arrangements for collaboration between probation areas, with, if justified, the amalgamation of some probation areas.

The precise nature of the relationship between probation committees and local authorities is likely to change as a result of these developments, but strong links will need to be maintained.

Magistrates' Courts Services

Functions and legislation

The role of the magistrates' courts is to administer summary justice efficiently. Around two million criminal cases are dealt with annually in courts in England and Wales. In addition, courts have a family law jurisdiction and licensing function. The organisational framework of the service is embodied in the Justices of the Peace Act 1979.

Tiers of local government responsible

The magistrates' courts service is based on shire counties, metropolitan districts and outer London boroughs; but Inner London is different. Each area has a Magistrates' Courts Committee (MCC) which is responsible, in consultation with the local authority for determining the resources needed for running the service.

MCCs are committees of magistrates, with no local authority representation, and are bodies corporate. Their buildings and some equipment are provided either by the paying authority or, in the case of buildings, rented from other local authorities (for example, shire district councils) or private landlords, but staff are MCC employees. 80% of their costs are met by central Government and 20% by local authorities (known as paying authorities).

Within each MCC area there are one or more petty sessional divisions (PSD) or "benches" (frequently, but not necessarily coterminous with district council areas). The PSD, which in most cases will have a quasi-autonomous clerk, will have regular contact with magistrates' courts committee staff on finance, personnel, supply and maintenance.

In Inner London the equivalent to the MCC is the Committee of Magistrates for the Inner London Area, consisting of stipendiary and lay magistrates. Paying authority functions are discharged by the Receiver to the Metropolitan Police. In the City of London the Lord Mayor and Aldermen are ex-officio magistrates and responsible for the administration of summary justice in their area.

In addition there are commission areas which reflect the arrangements for appointing magistrates and which determine their territorial jurisdiction. These are each county (metropolitan and shire), the City of London, the Inner London boroughs and four areas covering the outer London boroughs.

Links with other agencies

The courts have essential working links with their paying authorities, that is county councils, metropolitan district councils, outer London borough councils and the City of London. In Inner London this link is with the Receiver to the Metropolitan Police.

Court staff work closely with the Crown Prosecution Service, the police, the probation service, local authorities in their capacity as parties to proceedings (eg in community charge, children's and trading standards cases), guardians ad litem, Driver and Vehicle Licensing Agency, private prosecutors (eg television licensing) and with the legal profession. Important links also exist with the higher courts, for the more serious criminal cases (about 5% go to the

Crown Court) and some family law cases (county court and the Divisional court).

Policy objectives

Magistrates' courts should provide an efficient, high quality and timely system of local justice which commands public confidence.

The Government has recently announced that the statutory framework which determines the management structure of the service will be modernised. Details are contained in the White Paper, "A New Framework For Local Justice" which was published in February 1992. They include:

- (i) the creation of a magistrates' courts inspectorate reporting to the Lord Chancellor;
- (ii) a strengthening and clarification of the management role of MCCs;
- (iii) the introduction of systematic performance review and planning throughout the service;
- (iv) a more coherent geographic structure with a reduction in the number of MCCs from the present 105 to some 50 or 60. This process takes account as necessary of the review of the structure of local government, but it is intended that MCC areas should not be divided into smaller entities, indeed, in some areas there will be amalgamation to create larger areas;
- (v) empowering committees to seek competitive tenders from the private as well as the public sector in respect of personnel, building maintenance and other support services where this might result in better value for money and more flexible services.

Other emergency services and emergency planning

Fire Services

Functions and legislation

Under the Fire Services Acts 1947 and 1959 and the Fire Precautions Act 1971 as amended by Fire Safety and Safety of Places of Sport Act 1987 local authorities must: provide a fire brigade and equipment to meet efficiently all normal requirements; train members of the brigade; make efficient arrangements for responding to calls for assistance by the fire brigade; and enforce the Fire Precautions Act 1971 and regulations made under the Act by inspecting premises and, where appropriate, processing applications for fire certificates.

Fire authorities also have discretionary powers to provide special (non-fire) services; and a statutory duty to give fire prevention advice on request.

Tiers of local government responsible

Responsibility for the fire service is held exclusively by county councils in the shire counties, and by Fire and Civil Defence Authorities in London and the six metropolitan counties.

Links with other agencies

There are vital links with the police and ambulance services in responding to emergency calls. Other important working links should also be maintained with licensing and registration authorities, building control and housing services and environmental health officers, emergency planning officers and the Health and Safety Executive.

Policy objectives

Fire authorities should provide an efficient and effective service commensurate with an adequate level of public protection. This involves: providing fire cover to nationally recommended minimum standards; arranging for training of members of fire brigades; reducing death, injury and property loss from fire by promoting and improving fire safety measures; performing statutory fire precautions responsibilities; and advising licensing and other authorities and educating the public in good fire safety practice.

Emergency Planning

Functions, legislation and tiers of local government responsible

County councils have a statutory duty to plan, train and exercise for civil defence; district councils have a statutory duty to assist the county councils. Their principal functions are specified by regulations made under the Civil Defence Act 1948 (the Civil Defence (General Local Authority Functions) Regulations 1983) which defines "civil defence". Central Government pays specific grant for civil defence to local authorities towards the costs they incur.

In practice many local authority emergency planning units also develop, exercise, train for and revise planning and arrangements to meet local government's general common law duty of care. The aim is to minimise loss of life, injury, damage to property and disruption in their area during war or peacetime emergencies. They should have arrangements to coordinate their efforts with surrounding authorities and other relevant agencies.

An emergency planning unit is not an emergency service; emergency planning officers facilitate co-ordination between different local authority departments and can act as a focal point within the authority in an emergency. Local authorities have a common law duty to respond to situations where people are threatened by, or caught up in, an emergency of any kind, whether as a result of natural or man-made catastrophes or the extreme disruption which might be brought about by war. However, it is only in the case of war or a period leading up to war that the common law duty on local authorities is reinforced by a statutory duty imposed by legislation.

The Local Government Act 1972, the Local Government and Housing Act 1989 and the Civil Protection in Peacetime Act 1986 gave county councils and district councils and the Metropolitan Fire and Civil Defence Authorities powers rather than duties in respect of planning for and dealing with peacetime emergencies. The 1986 Act allowed local authorities to use civil defence resources for peacetime purposes, but there is no specific grant from central Government for planning solely for peacetime emergencies. The Control of Industrial Major Accident Hazards (CIMAH) Regulations 1984 (made under the Health and Safety at Work etc Act 1974 and amended in 1988 and 1990) laid down rules for the operation of hazardous activities at fixed sites. (See separate section on Hazardous Installations). They impose duties on the manufacturer or person in control of an industrial activity and require local authorities to make and maintain emergency plans to meet the off-site consequences of accidents at those CIMAH sites where dangerous substances exceeding specified threshold quantities are either stored or involved in defined processes.

Local authorities must prepare plans before the industrial activity begins, and may recover the costs of so doing from site operators. Additionally, local authorities which have a civil nuclear power station or other major nuclear plant in their area are involved in drawing up and testing off-site emergency plans against the possibility of an accident at the installation which could have off-site consequences.

The Health and Safety Executive has recently issued a consultation document setting out proposals for regulations which will place a duty on each local authority, in whose area there is a site licensed under the Nuclear Installations Act 1965, to prepare and keep up to date an emergency plan to protect people in the off-site area. There are also other Health and Safety Executive sponsored draft regulations and EC Directives concerning different aspects of this type of emergency planning currently under consideration.

Links with other agencies

Emergency planning units' wide-ranging role means that they need to build links with many organisations and agencies, including central Government Departments (often through their regional offices), other non-departmental government bodies (such as the National Radiological Protection Board), the emergency services, voluntary organisations, the armed services, health authorities, industrial and commercial organisations (including the utilities) and operators of nuclear installations and sites at which hazardous activities are carried out. Local authorities also need to establish mutual aid arrangements with their neighbouring authorities. It is essential that emergency planning units work closely with the separate departments within a local authority – housing, works and social services, for example – since the essence of local authority emergency planning is to seek to ensure that

services can be effectively delivered in a crisis so as to alleviate as far as possible its effects.

Policy objectives

The 1991 review of civil defence and local authority peacetime emergency planning resulted in the Government's decision to move towards a closer integration of planning for peace and war. This will involve a more flexible approach to civil protection, encouraging local authorities to plan and prepare for a wider range of risks. The Government intends to encourage stronger links between emergency planning units and local authorities' service delivery departments, so that planning and preparing for emergencies becomes a function of the local authority's day to day management structure.

For civil nuclear emergency planning the objectives are that there should be fully developed arrangements at both national and local level for dealing with a nuclear accident, and that plans should be tested regularly.

Elections

Electoral Areas

Functions and legislation

Under the Local Government Act 1972, local authorities have a duty to make arrangements to return one or more local councillors for each electoral area at county, district or parish council level.

Each *county council* area is divided into electoral divisions, based as far as possible on identifiable communities, with one council member for each division. Elections are held every four years with each member retiring simultaneously.

Each *shire district council* area is divided into electoral wards. They may return any number of councillors although in practice this rarely exceeds three members per ward. All members of the council retire simultaneously unless the council decides to opt for a system of elections by thirds. Only those electors in wards where a member is retiring are eligible to vote. Thus, electors in wards with only one or two members will not have the opportunity to vote every year.

Each *metropolitan district council* area is divided into wards with three members per ward. (The Local Government Act 1972 requires the number of members to be divisible by three and in theory three, six or nine member wards would be permissible, although in practice none currently exceeds three.) Elections are held in three years out of four, with a third of the members retiring at each election. Because a member retires in each ward at each election, the whole electorate has the opportunity to vote.

Each *parish or community council* may elect any number of councillors. Unwarded parishes and communities form individual electoral areas in their own right. The minimum parish council size is five members; there is no maximum.

Electoral Registration

Functions and legislation

Under the Representation of the People Act 1983 each district council or London borough council must appoint an electoral registration officer (ERO). EROs are responsible for the preparation and publication, in each year, of a register of Parliamentary and local government electors for the area in which they act. They are responsible directly to the Courts for the effective performance of their duties.

Tiers of local government responsible

EROs are appointed by their district or London borough council.

Policy objectives

The key objective for electoral registration is to maximise the accuracy of the register.

Local Elections

Functions and legislation

Under the provisions of the Local Government Act 1972, the Representation of the People Acts 1983, 1985, 1989, 1990, the Local Elections (Principal Areas) Rules 1986 and the Local Elections (Parishes and Communities) Rules 1986, the returning officer at district councils or London borough councils usually the electoral registration officer (ERO) must:

- publish notice of the election;
- receive nominations from candidates and publish a statement of persons nominated, and
- co-ordinate arrangements for polling day, and after the poll.

Tiers of local government responsible

Returning officers are employed by district councils and London borough councils.

Policy objectives

Local elections should be run smoothly and be conducted properly within the legal framework.

Parliamentary/European Parliamentary Elections

Functions and legislation

Under the provisions of the European Parliamentary Elections Act 1978 and the Representation of the People Acts 1983, 1985, 1989, 1990, acting returning officers (AROs) must supervise the conduct of elections including the nomination of candidates, polling day, the count and the appropriate disposal of ballot papers.

AROs are usually the Chief Executive (or equivalent) of the local authority but in carrying out these functions they are directly responsible to the Courts. In some circumstances, AROs are designated by the Home Secretary.

Tiers of local government responsible

District councils and London borough councils.

Policy objectives

The objective is to ensure that the elections should run as smoothly as possible and be properly conducted in accordance with the legislative framework.

Absent Voting

Functions and legislation

The Representation of the People Acts 1983, 1985, 1989, 1990, the Representation of the People Regulations 1986 and the Representation of the People (Amendment) Regulations 1990 provide for electoral registration officers (EROs) in each district council or London borough council to be responsible for:

- processing applications for absent (postal or proxy) votes from electors;
- co-ordinating the distribution and collection of postal ballot papers; and
- compiling separate lists of proxy voters and overseas electors.

Tiers of local government responsible

District councils and London borough councils.

Policy objectives

All electors who are eligible for an absent vote should be able to secure one as easily as possible.

Juries

Functions and legislation

Registration as an elector is a pre-requisite of jury service.

The Juries Act 1974 requires jurors to be summoned from those whose names appear on the electoral register who are aged between 18 and 70 years of age and have been ordinarily resident in the UK, the Channel Islands or Isle of Man for a period of at least 5 years since attaining the age of 13. Such persons will be liable to serve provided they are not ineligible or disqualified. This is to ensure that as far as possible juries are made up of a randomly selected sample of the whole population so that people from all walks of life should play their part in the administration of justice.

Under the Juries Act 1974, every electoral registration officer must send to the relevant court summoning officer a copy of the electoral register as soon as practicable after publication of the register. The 1974 Act also requires the electoral registration officer to mark the copy of the register to be sent to the jury summoning officers at the appropriate court to show who is under 18 or more than 70.

Local government finance

This section details the functions of local government in relation to taxes. The *financial management requirements* of local authorities are not covered by this document.

Information on the following financial processes may be found in CIPFA's "Councillor's Guide to Local Government Finance, 1992", copies of which have been provided to the Local Government Commission:

Budget making and demands on the Collection Fund

- Sections 32 and 40, Local Government Finance Act 1992.

Financial arrangements

- responsibility for the proper administration of financial affairs: Section 151, Local Government Act 1972;
 - Accounts and Audit Regulations 1983: Section 23 and 35, Local Government Finance Act 1982;
 - provision of a Housing Revenue Account: Section 74, Local Government and Housing Act 1989; and
 - the publication of accounts as required by Local Government Act 1982.
- the role of the Chief Finance Officer and the Auditor: Section 114, etc., Local Government Finance Act 1988.

Reporting

Local authority borrowing

- Sections 43 to 45, Local Government and Housing Act 1989.

Copies of the "Councillors' Guide to Local Government Finance, 1992" are available from CIPFA, 3 Robert Street, London, WC2N 6BH. CIPFA revise this publication annually.

TAXES

Community Charge Administration Functions and legislation

Community charge sections were established under the Local Government Finance Act 1988, as amended by the Local Government and Housing Act 1989. They:

- conduct a rolling canvass of properties in their area;
- decide whether each chargepayer is subject to a personal, standard (empty property) or collective community charge;
- maintain a register and public extract;

- produce and issue demand notices and pursue payment, taking enforcement action where necessary;
- impose penalties where information is requested and not supplied within the provisions of the legislation;
- impose penalties where collective charge records are not maintained and where information requested is not supplied within the provisions of the legislation;
- process applicants for appeal, representing the authority at tribunals and court; and
- process National Non-Domestic Rates appeals.

From April 1993 the Local Government Finance Act 1992, which introduces the council tax, will amend the community charge legislation.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Community charge sections have essential links with valuation and tribunals for appeals, and magistrates' courts and the Benefits Agency for the pursuit of debts. Some appeals go to the High Court. Certain information required for community charge purposes may be requested of other charging authorities, precepting authorities and electoral registration officers.

Some local authorities have close links with their local Citizens' Advice Bureaux (and other independent bureaux) to assist in liaising over chargepayers' problems.

Links with the local planning authority may assist in keeping the charging authority up to date with completions.

Policy objectives

Local authorities should collect the community charge efficiently and expeditiously.

Council Tax Administration *Functions and legislation*

The Local Government Finance Act 1992 provides that, from 1 April 1993, billing authorities are to set and collect, each financial year, a council tax. Detailed arrangements are provided for in secondary legislation, much of which is already in place. The tax will be based on the banded capital value of domestic property, with discounts reflecting the number and status of adult residents and a benefit system for people on low incomes.

Billing authorities will be responsible for the establishment and operation of the council tax system in accordance with the relevant secondary legislation.

The Valuation Office Agency (VOA) will be responsible for the valuation of domestic property for the council tax.

Tiers of local government responsible

The main council tax functions rest with billing authorities which are district councils and London borough councils. Major precepting authorities like county councils will have no responsibility for non-domestic rates and council tax collection and management of the collection fund, although they

will be required to set their own amounts of council tax to be collected by billing authorities.

Links with other agencies

The VOA are supervising the valuation of domestic property for council tax. The initial valuation exercise, which will be largely completed by May 1992, is being undertaken with the assistance of private sector valuers. The VOA will be responsible for the maintenance of valuation lists and for dealing with proposals to alter valuation lists. Valuation tribunals will have jurisdiction to hear appeals against the list, and on aspects of liability for the tax.

Policy objectives

The objective is that the council tax should be successfully implemented and administered. It should be collected efficiently and expeditiously.

Non-Domestic Rate Collection
Functions and legislation

Local authorities are responsible for the collection of non-domestic rates in respect of properties shown in local rating lists, which are compiled and maintained by the Valuation Office Agency. The main legislation is the Local Government Finance Act 1988, as amended by the Local Government and Housing Act 1989, the Local Government Finance Act 1992 and the Non-Domestic Rating Act 1992.

The principal functions of a ratings section are to determine liability and collect rates from non-domestic ratepayers in their area, to pay the rates into the national rates pool and to provide information to local valuation officers to assist in the maintenance of accurate rating lists. They also have responsibility for collecting any unpaid general rates from the pre-1990 rating system (including domestic property) under the General Rate Act 1967.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Close links should be maintained with such groups as Chambers of Commerce or Trade in the forum of the annual consultation with ratepayers, and with local valuation officers to provide information about rateable property. Valuation Tribunals hear appeals against entries in rating lists.

Policy objectives

The main objective is to ensure maximisation of non-domestic rate revenue collection at minimum cost.

Administration of the Housing Benefit, Community Charge Benefit and Council Tax Benefit Schemes
Functions and legislation

Social Security legislation places on local authorities the following duties:

- rebating the rents of local authority tenants who are awarded housing benefit;
- awarding and paying benefit toward the reasonable rents of people living in privately rented accommodation, including social housing provided by housing associations;
- rebating the community charge bills of people awarded community charge benefit and from April 1993 rebating the council tax bills of liable people awarded council tax benefit;
- advice to local people on their potential eligibility for benefit and on how to claim;

- the processing of claims for benefit within 14 days of receiving all necessary information;
- reviewing awards of benefit at least every 60 weeks;
- reassessing awards of benefit whenever changes of circumstances occur, including those changes which benefit recipients should notify to their local authority;
- providing an appeals procedure for people who are dissatisfied with their award;
- providing the Government with regular management information statistics needed to monitor the benefits schemes; and
- providing the Audit and Accounts Commissions with sufficiently comprehensive audit trails for subsidy provision to be approved annually.

Additionally, local authorities are required to deal effectively with cases of suspected fraud, recovery of overpaid benefits, and to seek advice from Rent Officers on market rents in the private sector. Benefit is administered within a system of subsidy controls intended to encourage the fair and efficient disbursement of public money.

Local authorities are responsible to their own electorates and auditors for the way in which they run the housing benefit and community charge benefit schemes. The powers providing for the administration of housing benefit and community charge benefit are in the Social Security Administration Act 1992. This Act has been amended by the Local Government Finance Act 1992 to provide for the administration by local authorities of the council tax benefit scheme.

Tiers of local government responsible

Housing benefit (HB) and community charge benefit (CCB) are administered by district councils and London borough councils. New Town Development Corporations administer rent rebates for their own housing stock. Administration can be either in housing or finance departments. Most local authorities operate combined HB/CCB sections but this is not universal.

Links with other agencies

Local authorities need to maintain close links with the local offices of the Benefits Agency on any cases where people are also in receipt of Income Support, on fraud issues and on overpayments of benefit. Within authorities, particularly when dealing with vulnerable people (such as those who are homeless, disabled elderly and infirm or responsible for dependent children) there may also be a need for links with departments responsible for housing and personal social services. Authorities must also maintain regular links with the Rent Officer service and the Courts.

Policy objectives

The key objectives are that the housing benefit and community charge benefit schemes should offer prompt help to people on low incomes, including those claimants on Income Support, who are both in and out of work, with the rent they pay for their homes and with their community charge liabilities.

Local government as an employer

Local Government Pay *Functions and legislation*

The pay of local authority employees is determined by local authorities. Approximately 70% of current local authority expenditure goes in staff costs. Under the Local Government Act 1972 a local authority may appoint such officers as it thinks necessary for the proper discharge of its functions. Such officers hold office on such reasonable terms including remuneration, as the authority thinks fit.

Tiers of local government responsible

Most local authorities belong to National Joint Councils (NJC) under which national pay spines are negotiated. A list showing the principal NJCs is attached. Increasingly, however, authorities now decide where to set the pay of their staff against these spines in the light of local conditions. About 24 authorities determine pay locally, outside the NJCs.

Links with other agencies

The Local Government Management Board is the employers' organisation responsible for negotiating the national pay agreements.

Policy objectives

Local authorities should negotiate the pay of their own employees independently, and in the light of both performance and local conditions. To this end the Government supports moves to greater realism, flexibility and performance-related pay within the national pay negotiating framework, while at the same time encouraging authorities to opt out of that framework.

Annex

The main bodies involved in negotiating local pay are:

Mainstream

National Joint Council for APT&C Staffs
National Joint Council for Manual Workers
Joint Negotiating Committee for Chief Executives
Joint Negotiating Committee for Chief Officers
Joint Negotiating Committee for Building Craft Employees
Joint Negotiating Committee for Engineering Craft Employees
Electricians' Standing Conference

Education

National Employers' Organisation for School Teachers*
National Joint Council for Further Education Lecturers

(* This is not a negotiating body as such as teachers' pay is subject to the recommendations to the Education Secretary of the School Teachers' Review Board.)

Uniformed Services

Police Negotiating Board
National Joint Council for Fire Brigades

**The Local Government
Superannuation Scheme**
*Functions, legislation and tiers
of local government responsible*

The Local Government Superannuation Scheme (LGSS) is an occupational pension scheme for the benefit of both existing and former local authority employees in England and Wales and their dependents. The Scheme was consolidated by the Superannuation Act 1972 and the Local Government Superannuation Regulations 1986 and has been amended by subsequent regulations.

The LGSS is a funded scheme. There are 79 separate local authority superannuation funds in England, one for each shire county, one for each metropolitan county, one for each London Borough and for the City of London and the London Pensions Fund Authority which is appointed by the Secretary of State for the Environment and which is responsible for the payment of pensions to former employees of the GLC and ILEA. The shire county funds are administered by the county councils. There is a separate fund authority in South Yorkshire but in the other metropolitan counties the funds are administered by lead metropolitan districts. The shire county funds are administered by the county councils, and the London funds by the borough councils. There is also a separate London Pension Fund Authority appointed by the Secretary of State for the Environment which is responsible for the payment of pensions to former employees of the GLC and ILEA.

Each fund administering authority is responsible, within the framework of the Superannuation Regulations 1986, for the fund's investment, for actual payments to pensioners and for setting employer's contribution rates to the fund. District councils within each fund are employing authorities and as such are responsible for the payment of their own employer's contributions and their employees' contributions to the fund authority. District councils are also responsible for providing the fund authority with information on individual employees when they leave their service. Fund authorities are also, in their own right, employing authorities and they will collect and make the necessary contribution payments to their funds.

White collar employees pay contributions of 6% of salary, and manual workers pay 5%. The contribution required from the employing authority is calculated by independent actuaries, who are required to review the fund's assets and liabilities every three years. The employer's contribution represents the appropriate proportion of payroll costs needed to meet the obligations of the fund, after the income from investments and employee contributions have been taken into account. The rates of contribution will vary in response to changes in and nature of membership, investment and other income and liabilities.

The Secretary of State for the Environment is responsible under the Superannuation Act 1972 for determining appeals submitted by local government employees and pensioners or their dependents who are dissatisfied with any decision taken by their (former) employer concerning their rights under the local government scheme. He may also be called on to determine appeals lodged by an administering authority against a decision taken by one of its constituent employing authorities.

Because the LGSS is a 'live' pension scheme it is amended frequently either in response to specific requests from employers and/or employees, or as a result of other changes necessary because of pension legislation generally or due to EC legislation or as a result of new pension and pension investment practices. Statutory consultations with the interested parties are required

where any amendments to the Scheme are proposed. Regular liaison takes place with the local authority associations and with NALGO, the TUC and other employers' representatives on the form and content of new regulations.

Links with other agencies

There is regular liaison on the form and content of the new regulations with the local authority associations and employers' representatives and with NALGO and the TUC.

Miscellaneous provisions

Local Government Act 1972: Section 111

*Functions, legislation and policy
objectives*

Section 111 of the Local Government Act 1972 gives local authorities a general power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. When the use of Section 111 is proposed it is therefore necessary to give consideration to the statutory function to which it will be linked.

The power is subject to the provisions of the 1972 Act and to those of any other enactment. When Section 111 is used to raise money (whether by means of rates, precepts or borrowing) or to lend money it must be in accordance with the enactments relating to these matters. For example, if there are detailed rules governing borrowing by local authorities and if an authority wishes to borrow money using its powers under Section 111 it must comply with those rules. Section 111 does not entitle a local authority to circumvent the restrictions contained in other enactments.

*Tiers of local government
responsible*

All local authorities.

Section 137 Discretionary Expenditure

Functions and legislation

Section 137 of the Local Government Act 1972 is a general power available to all local authorities enabling them to incur expenditure, subject to an annual financial limit, on anything they consider to be in the interests of their area or part of it, or all or some of its inhabitants. Expenditure must bring direct benefit to the local authority's area and that benefit must be commensurate with the level of expenditure. The power is designed to be used when no other specific power exists, although it cannot be used to circumvent specific restrictions contained in other enactments.

*Tiers of local government
responsible*

All local authorities may spend under Section 137.

Policy objectives

The objective is for local authorities to respond with flexibility to local needs outside the bounds of their specific statutory powers.

Economic Development

Functions and legislation

The Local Government and Housing Act 1989 gave local authorities a general power to promote economic development with considerable flexibility and discretion in determining their economic development programmes. They may, for example, provide financial and other assistance to set up or expand commercial and industrial undertakings in their area, to create or protect opportunities for employment – thereby enhancing their enabling role.

Regulations have been made which apply certain restrictions to the use of this power. These make it clear that some activities are inappropriate for the direct

involvement of local authorities. They include most forms of direct manufacturing, commercial trading, banking, insurance services etc, which are more properly the role of the private sector.

In addition, the power for local authorities to provide cash grants, loans and guarantees of borrowing to companies operating with a view to profit, above a level of £10,000 per year per undertaking, is restricted to areas with a particular need to promote economic development. However, local authorities in all areas can provide financial assistance to profit-oriented undertakings up to £10,000 per year per undertaking.

It should be noted that there are other powers under which expenditure for these purposes can be justified, for example the Local Authority Land Act 1963.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

The 1989 Act required local authorities to prepare a plan as a basis for consultation with representatives of the local business community and other interested parties on their proposed economic development programmes before the beginning of each financial year. This requirement encourages local authorities to focus attention on their economic development strategy and ensures that the private sector and other interested bodies are brought into the decision-making process, and, in some cases, continue to work in partnership with the local authority.

Regulations under the 1989 Act provide that where there are two tiers of local government in an area, consultation must take place if an authority proposes to develop land in another's area or a non-education authority proposes to provide education or training.

Within a local authority, even when it has an economic development unit, liaison between the different departments of the authority is essential.

Policy objectives

Local authorities should promote economic development in their areas to the extent that they believe appropriate and particularly in partnership with the private and voluntary sectors.

Section 11 of the Local Government Act 1966 *Functions and legislation*

Under Section 11 of the Local Government Act 1966 the Secretary of State may pay grant to local authorities for the employment of additional staff in projects designed to meet the needs of New Commonwealth communities who, because of barriers of language or culture, are not gaining access to mainstream services or provision and who are disadvantaged as a result.

Links with other agencies

In assessing the linguistic and cultural barriers faced by ethnic minority communities, local authorities are required to consult local communities, community representative bodies (such as Racial Equality Councils), school governing bodies, parents and/or any other relevant groups or agencies.

Policy objectives

Local authorities should clearly assess the special needs of ethnic minorities in their area. Local authorities should strive to ensure that all main local authority services meet the needs of all members of the local community. Where members of ethnic minorities are disadvantaged due to linguistic or cultural factors in accessing such services, local authorities should seek to

provide practical help in overcoming such obstacles so far as it is reasonably practicable to do so. Where it is not, the possibility of obtaining financial assistance under Section 11 should be pursued.

Race Relations

Functions and legislation

The Race Relations Act 1976 made racial discrimination unlawful in employment, training and related matters; in education; in the provision of goods, facilities and services; and in the disposal and management of premises. Individuals who consider that they have been the victims of unlawful conduct have a right to institute proceedings in either a designated county court or an industrial tribunal, as appropriate.

Local authorities have a duty to make appropriate arrangements to ensure that their business is carried out with regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity, and good relations between persons of different racial groups.

The 1976 Act established the independent Commission for Racial Equality, which has powers to conduct formal investigations and issue non-discrimination notices. It is also empowered to initiate legal procedures in respect of discriminatory practices, advertisements and instructions and to assist individuals in certain cases. It has a statutory duty to keep the Race Relations Act under review.

The Commission for Racial Equality provides financial assistance, under the Race Relations Act, to Racial Equality Councils – organisations providing advice and assistance at a local or regional level on a range of issues concerned with promoting equality of opportunity and good community relations. Racial Equality Councils are also entitled to receive financial assistance from local authorities, both for administration and specific projects.

Tiers of local government responsible

All local authorities.

Links with other agencies

Racial Equality Councils.

Policy Objectives

Local authorities should strive to secure equal rights, responsibilities and opportunities for all members of the community whatever their race, colour or creed.

Local Government Act 1972 – Section 142

Functions and legislation

Section 142 of the Local Government Act 1972 consolidated and re-enacted earlier provisions empowering local authorities to provide or support the provision by others of information about central and local government services and the work of charities and voluntary organisations in their area. As the range of work undertaken by the advisory agencies has evolved and expanded in recent years, it was feared that some activities were falling outside the scope of Section 142 forcing authorities to rely increasingly on a “patchwork” of powers to provide assistance. In recognition of this situation, Section 142 was amended by the Local Government and Housing Act 1989 to enable local authorities to assist voluntary organisations concerned with providing:

- information and assistance relating to an individuals rights and obligations; and

- assistance, either by making or receiving communications or by providing representation to or before any person or body, in asserting those rights or fulfilling those obligations.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

The nature of these powers ensures that local authorities maintain a close contact with a range of voluntary advisory bodies, who can support the local authorities in carrying out their statutory functions.

Policy objectives

Local authorities should keep the public informed about the services available in their area from all sources, both statutory and voluntary. They may also give support where they consider appropriate to bodies which give advice to individuals on their rights and obligations.

**Water Industry Act 1991:
Section 97**

Functions and legislation

Under Section 97 of the Water Industry Act 1991 local authorities may enter into arrangements with sewerage undertakers to carry out certain of the sewerage functions for all or part of the authority's area. The functions exclude sewage disposal and the disposal of trade effluent.

Tiers of local government responsible

District councils and London borough councils.

Provision of Goods and Services

Functions and legislation

The Local Authorities (Goods and Services) Act 1970 enables local authorities to enter into agreements to supply goods, professional services and maintenance works of a minor nature to other local authorities and to designated public bodies. Local authorities entering into such agreements may do so on such terms, including payments, as both parties consider appropriate.

The Act does not allow authorities to undertake major construction projects and makes no provision for the hiring of additional staff resources – local authorities are restricted to using the capacity which is genuinely surplus of staff who are otherwise still required by the authority for its own functions and who are not redundant to the local authorities' own functional needs.

Tiers of local government responsible

County councils, district councils and London borough councils

Links with other agencies

Local authorities may enter into agreements with non-local authority public bodies which have been designated as public bodies by an Order or in primary legislation, (a list of these Orders and Acts is attached). The bodies must be non-profit making and undertake public functions, for example, housing associations, urban development corporations and Housing Action Trusts.

Legislation Designating Bodies as Public Bodies for the Purposes of the Local Authorities (Goods and Services) Act 1970 Acts of Parliament

The Water Act 1973
The National Health Act 1977
The Local Government, Planning and Land Act 1980
The Local Government Act 1985
The Norfolk and Suffolk Broads Act 1988
The Housing Act 1988
The Further and Higher Education Act 1992

SI 1972 No 853
SI 1975 No 193
SI 1981 No 1049
SI 1985 No 1884
SI 1987 No 2110
SI 1990 No 433

Licensing

Caravan Sites

Functions and legislation

Under the Caravan Sites and Control Development Act 1960 once planning permission is given for a caravan site the local authority must issue a site licence containing conditions to regulate use of the site in the interests of health, safety and amenity. In attaching conditions the authority must have regard to Model Standards issued by the Secretary of State for the Environment, covering matters such as the number and spacing of vans, provision of sanitary facilities etc. There are separate standards for touring sites, static holiday sites and permanent residential sites. There are certain exemptions from the need for a site licence, listed in Schedule I to the Act, and the Secretary of State may also issue certificates to recreational organisations enabling them to operate sites for their members without the need for permission or licence. A similar licensing system for tent sites operates under the Public Health Act 1936 for tent sites occupied for more than 60 days in any year, with similar exemptions for responsible organisations.

Tiers of local government responsible

Licensing is the responsibility of district and London borough councils. Applications are usually handled by environmental health departments.

Policy objectives

The objective is to protect the interests of caravanners/campers, and the public at large, by maintaining standards of health, safety and amenity. Removing from the system through specific exemption those organisations who will act responsibly ensures the burden of control is not unnecessarily onerous.

Charitable Collections

Functions, legislation and tier of local government responsible

Fund raising for charitable, benevolent or philanthropic purposes is distinguished by three main types of collections for which local authorities may give approval:

(i) *Street Collections* – often referred to as flag days – are governed by the Police, Factories (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972. Under this legislation district councils (outside London), and the Metropolitan Police (inside the Greater London area) are empowered to make regulations governing street collections. Where they wish to do so, licensing authorities can adopt the model regulations as set out in the schedule to the Charitable Collections (Transitional Provisions) Order 1974. All street collections regulations (whether or not identical to the model) require the Home Secretary's confirmation before they come into force. Regulations in respect of street collections in the Metropolitan Police District are made by the Home Secretary.

(ii) *House to House Collections* are governed by the House to House Collection Act 1939 and the House to House Collections Regulations 1947 as amended by the Local Government Act 1972 and the House to House

Collections Regulations 1963. The legislation requires promoters of such collections to obtain licences from the district council or the Commissioner of the Metropolis. The licensing authority has the power to refuse or revoke a licence on the grounds set out in the 1939 Act and in turn the charity has the right of appeal to the Home Secretary. A national charity can be exempted from the provisions in the regulations by order of the Home Secretary under the 1939 Act.

(iii) *War Charities Act 1940* – this legislation includes a provision for the supervision of the activities of war charities and those of the disabled. Such charities must register with local authorities before they can appeal for public funds. The licensing authority is any county, district or London borough council. The licensing authority has the power to refuse or revoke registration, whereby, the charity would then have the right to appeal to the Charity Commissioners.

In March 1992 the Charities Act 1992 was passed. Part III of the Act will repeal the existing legislation governing house to house and street collections for charitable purposes and replace it with a new single regime for all types of "public charitable collections" as defined in the Act.

The provisions of the Act will not be brought in until new regulations, governing the conduct of collections etc. have been made by the Secretary of State, following consultation, and laid before Parliament. The target date for implementation is September 1993.

Charities (Other than Charitable Collections)

Apart from funding through grant aid, local authorities are concerned in several aspects of charities' affairs – for example granting relief from the full effects of the community charge, charity administration, the regulation of charitable collections, the maintenance of information about local charities and the review of local charities' activities and effectiveness

Charities are entitled to a mandatory 80% relief from the uniform business rate. Under the Local Government Finance Act 1988, charging authorities may grant additional relief up to 100% relief.

For some charities the district council or county council is the trustee of the charity. The council in question can be a holding trustee, a custodian trustee, a managing trustee or both custodian and managing trustee. The local authority can be appointed to act by deed or by scheme of the Charity Commissioners made under the Charities Act 1960.

Schemes of the Commissioners also provide for local authorities in appropriate cases to appoint nominees to the trustee body of certain charities for example, community associations, old people's homes and schools.

The Charities Act 1960 gave county, district and London borough councils powers to maintain an index of local charities, and to publish the information in that index or summaries or extracts taken from it. Any such index must be open to public inspection at all reasonable times.

The 1960 Act stipulates that, with certain provisos, "the council of a county or of a district or London Borough, may initiate, and carry out in cooperation with the charity trustees concerned, reviews of the workings of

any group of local charities with the same or similar purposes in the Council's area". These local reviews are aimed at raising standards of administration. On completion of these reviews the local authorities are empowered to make recommendations to the Charity Commissioners with regard to modernising the objectives and administrative machinery of the charities in question, or to amalgamating them.

The Charities Act 1992 makes no amendment to the duties of local authorities under the 1960 Act.

Links with other agencies

The Charities Act 1960 makes provision in certain circumstances for cooperation and coordination of activities between county, district or London borough councils and charities.

Policy objectives

The objectives are to ensure appropriate supervision and accountability of charities.

Betting, Gaming and Lotteries
Functions and legislation

Local authorities act as licensing authorities for:

- pool promoters and sports tracks where betting takes place (under the Betting, Gaming and Lotteries Act 1963);
- certain premises with amusement-with-prizes machines (under the Gaming Act 1968); and
- societies promoting lotteries and certain premises providing amusements-with-prizes other than by means of a machine (under the Lotteries and Amusements Act 1976);

Local authorities have a right to be consulted about applications for betting office licences and gaming licences (for casinos and bingo clubs) made to Magistrates' courts. They also have a right to be consulted about applications for track betting licences.

Local authorities may also promote local lotteries under the Lotteries and Amusements Act 1976.

Tiers of local government responsible

Betting, gaming and lotteries licensing is the responsibility of district councils and London borough councils, but county councils have a right to be consulted about applications for track betting licences and both district and county councils may promote local lotteries.

Links with other agencies

Local authorities may consult widely with other local agencies (in particular the police and schools) about applications for track betting licences and permits for premises with amusement-with-prizes machines. In respect of larger society lotteries, a local authority's licensing function is shared with the Gaming Board for Great Britain which is also responsible for the oversight of any lotteries promoted by local authorities themselves.

Policy objectives

Key objectives are to ensure that, through the licensing regimes, pool betting and lotteries are properly and honestly conducted; to enable the local community, either directly or through their local authority, to raise factors transcending planning considerations which may have a bearing on the suitability or location of premises where gambling takes place (for example, bingo clubs, betting offices, greyhound tracks and amusement arcades); and

for local authorities to be able to raise revenue for specific projects or purposes through the promotion of lotteries.

Cinemas

Functions and legislation

The Cinemas Act 1985 allows local authorities to control the circumstances under which films are shown in their area. The Act requires that premises to be used for showing films must possess a cinema licence issued by the appropriate authority.

Under the 1985 Act, local authorities which license cinemas may charge a fee for the grant, renewal or transfer of a licence up to a maximum set by the Secretary of State by order. The licence fee is intended to cover the cost of inspection of premises, processing and issuing licences (including staff costs), exercise of the authority's film censorship powers, activity associated with enforcement of conditions attached to licences and other necessary expenditure. A recent survey of a sample of 54 local authorities showed an average cost of issue per licence of £494 for 1989/90.

Maximum fee level is set by central Government by order and is raised following survey of a representative number of licensing authorities to determine average costs incurred. The maximum fee was last increased in December 1991 to £600.

Tiers of local government responsible

District councils. In practice, these functions are often carried out by a general licensing department.

Policy objectives

The objectives are to secure public safety and protect public morals.

Theatres

Functions, legislation and tiers of local government responsible

Premises used for public performance of a play are required by the Theatre Act 1968 to be licensed by the appropriate authority. Fees and conditions attached to the licence are determined by the licensing authority itself. Fees are calculated from the seating capacity of premises and intended to cover the costs of safety inspection, enforcement and other associated costs.

Tiers of local government responsible

Under the Local Government Act 1972 district councils and London borough councils are responsible for licensing.

Policy objectives

The main objective is to secure public safety.

Entertainments

Functions and legislation

Under the Local Government (Miscellaneous Provisions) Act 1982 local authorities are responsible for the licensing of places in or at which – subject to certain exceptions specified in statute – public dancing or music or similar entertainments and indoor sporting events to which the public are invited as spectators are provided. (In London, local authorities must also license places where outdoor public contests, exhibitions or displays of boxing or wrestling take place.) This requirement is also applied to entertainment booking offices and to certain (specified) premises used for the purpose of public exhibitions and similar public displays.

Local authorities have powers, designated under the Hypnotism Act 1952, to act as the controlling authority responsible for authorising any exhibitions, demonstrations, or performances of hypnotism which take place in premises for which no public entertainment licence exists.

The Licensing Act 1964 permits local authorities to grant to registered clubs certificates of suitability for music and dancing. They may also institute proceedings, under the Children and Young Persons Act 1933, for failing to provide for the safety of children at entertainments for which a public entertainment, cinema or theatre licence is in force.

Local authorities may also take powers under the Private Places of Entertainment (Licensing) Act 1967 to require the licensing of places used for private events including music, dancing and similar entertainments which are promoted for private gain.

Tiers of local authority responsible

District councils and London borough councils.

Links with other agencies

In discharging their licensing functions local authorities must work closely with police and fire services.

Policy objectives

Local authorities should ensure that places used for entertainments have adequate standards of safety and hygiene and minimise any possible nuisance which may be caused to the immediate neighbourhood.

Market/Street Trading
Functions and legislation

Local authorities may exercise controls over street markets and street trading under an adoptive code of licences and consents provided for in the Local Government (Miscellaneous Provisions) Act 1982. Provision is also made for the prohibition of street trading in particular streets.

Participating London borough councils may exercise controls over street trading under provisions in the London Local Authorities Act 1990.

Tiers of local government responsible

District councils and London borough councils

Links with other agencies

In exercising controls over street trading etc the local authority will have links with the local chief officer of police and the highway authority and possibly other relevant corporations where appropriate for example the British Railways Board and urban development corporations.

Policy objective

Local authorities should exercise such controls over street trading as they consider appropriate.

Night Cafes and Take Away Food Shops
Functions and legislation

Under the Late Night Refreshment Houses Act 1969 local authorities have a duty to license premises (other than premises which hold a liquor licence and which close at the end of the evening permitted hours) which are kept open for public refreshment, resort and entertainment at any time between 10 pm and 5 am. (This does not apply to premises exclusively supplying food for consumption off the premises). The licensing authority may charge an appropriate fee and impose certain specified conditions or a terminal hour on any licence it grants and must keep a register of information about such licences.

(In London the provisions vary slightly. The Greater London Council Act 1968 and The London Local Authorities Act 1990 require the registration of licensing of night cafes. Night cafes are any premises which are kept open for refreshment at any time between 11 pm and 5 am; and premises where meals

or refreshments are supplied between midnight and 5 am for consumption exclusively off those premises. Private clubs which would otherwise fall within either of these categories are also covered by these requirements.)

Additionally, local authorities may make, upon complaint, a closing order in respect of a take-away food shop an order to prevent nearby residents from being unreasonably disturbed either by people attending the premises or by their use to supply meals or refreshments. The hours specified in the closing order must begin no earlier than midnight and end no later than 5 am. Different closing times may apply on different days of the week.

Tiers of local government responsible

District councils and London borough councils.

Policy objectives

Local authorities should regulate the operation of late night refreshment houses to the extent they consider necessary to prevent any problems of public order and to avoid disturbances both within and outside the premises. They should restrict the night opening hours of take away food shops where this is desirable to prevent unreasonable disturbance to local residents either by customers or by the use of premises to supply meals or refreshments.

Offices and Shops
Functions and legislation

The Shops Act 1950 regulates the general closing hours, half day closing and Sunday trading of shops. Local authorities have a duty to enforce the provisions of the Act, which also cover certain conditions of employment of shop workers. Additionally, the Local Government (Miscellaneous Provisions) Act 1982 gives local authorities the power to register persons engaging in acupuncture, tattooing, ear-piercing and electrolysis.

Tiers of local government responsible

District councils and London borough councils.

Policy objectives

The objectives are to protect shopworkers from exploitation and to protect small shopkeepers from excessive competition. The restrictions on Sunday trading are aimed at ensuring a day of rest for shopworkers, protecting the interests of small traders and maintaining the separate and traditional character of Sunday.

Poisons
Functions and legislation

The Poisons Act 1972 requires local authorities to keep a list of persons entitled to sell poisons in Part II of the Poisons List (Poisons List Order) 1982.

Under the Poisons Act 1972 local authorities have a duty to ensure compliance with the provisions of the Act and with the Poisons Rules relating to Part II of the 1982 List poisons, and to appoint inspectors who have powers of entry. In practice it is trading standards officers who deal with enforcement.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Policy objectives

The main objective is to restrict the sale of non-medicinal poisons to persons who have a legitimate need for them.

Game Dealers
Functions and legislation

Local authorities are responsible under the Game Act 1831 for the issue of licences to dealers in game. There are two licences required by game dealers:

the second is issued by Post Offices on production of the local authority licence, and is required under the Game Licences Act 1860.

Tiers of local government involved

District and London borough councils.

Links with other agencies

Occasional dealings with the police may be required in some cases where offences have been committed; or with the Post Office, if there are doubts about the issue of the second dealer's licence.

Policy objectives

The objective is that local authorities should contribute to the enforcement of the game laws by controlling the buying and selling of game.

Safety at Sports Grounds

Local authorities are responsible for issuing safety certificates for sports grounds which have been designated under the Safety of Sports Grounds Act 1975, as amended by the Fire Safety and Safety of Places of Sport Act 1987. Local authorities also issue safety certificates in respect of "regulated" stands which provide accommodation for 500 or more spectators under cover at non-designated sports grounds under the 1987 Act.

Both Acts provide for a local authority to determine the terms of conditions of a safety certificate for a sports ground or for a regulated stand after consultation with the fire authority, the chief officer of police and the building authority. Accordingly, fire authorities usually form an important part of a local authority safety team which carries out sports ground safety certification duties. Fire authorities also provide fire prevention advice and fire certification duties in respect of the non-viewing areas of sports grounds under the Fire Precautions Act 1971.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Recommendations 59-63 of Lord Justice Taylor's Final Report into the Hillsborough Stadium Disaster (extract attached) deal with the co-ordination of emergency services. The Government support these recommendations, which require close liaison between the police, fire and ambulance services before matches.

Policy objectives

The prime policy objective in relation to safety at sports grounds is to ensure "reasonable safety" for spectators.

Extract from

"FINAL REPORT OF THE INQUIRY INTO THE HILLSBOROUGH STADIUM DISASTER

Co-ordination of Emergency Services

"The police, fire and ambulance services should maintain through senior nominated officers regular liaison concerning crowd safety at each designated sports ground.

Before each match at a designated sports ground the police should ensure that the fire service and ambulance service are given full details about the event, including its venue, its timing, the number of spectators expected, their likely routes of entry and exit, and any anticipated or potential difficulties concerning the control or movement of the crowd. Such details should be readily available in the control rooms of the emergency services.

Lines of communication, whether by telephone or by radio, from the police control room to the local headquarters of all emergency services should be maintained at all times so that emergency calls can be made instantly.

Contingency plans for the arrival at each designated sports ground of emergency vehicles from all three services should be reviewed. They should include routes of access, rendezvous points, and accessibility within the ground itself.

Police officers posted at the entrances to the ground should be briefed as to the contingency plans for the arrival of emergency services and should be informed when such services are called as to where and why they are required."

Sex Shops

Functions and legislation

The Local Government (Miscellaneous Provisions) Act 1982 enabled district councils to adopt controls through a licensing system over the number, location, appearance and management of sex establishments.

The licensing scheme seeks to provide means of control of premises whose activities are not unlawful but which may reasonably be felt to warrant regulation. The 1982 Act also states that the local authority is obliged to have regard to any observation submitted to them by the chief officer of police or any other objections of which notice has been sent to them. Authorities are not empowered to refuse to grant or renew such licences on grounds of morality, but may decide that the appropriate number of sex establishments in any particular locality is zero.

A 1990 survey of 337 district authorities showed that of 179 respondents, 152 had resolved to adopt powers under the 1982 Act and, of these, 25 had licensed some sex establishments.

Policy objectives

Primary objectives are to ensure that undesirable elements are not concerned with the operation of sex shops and that the character of areas is not adversely affected by these activities.

Animal health

Welfare of Animals in Transit and in Markets

Functions and legislation

Local authorities have a duty to enforce the Orders made under the Animal Health Act 1981 to protect the welfare of animals in transit and in markets. They should give advice, issue cautions, and handle prosecutions in liaison with the State Veterinary Service (SVS).

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

Work in this area is closely related to that carried out under the same Act for disease control purposes both by the local authorities' Animal Health Inspectors and the SVS. Local authorities have been encouraged to appoint specialist Animal Welfare Officers and to maintain close links with the SVS over enforcement.

Policy objectives

The main objective is to ensure effective enforcement of the legislation which protects the welfare of animals.

Dogs and Animal Welfare

Functions and legislation

Local authorities are responsible for the licensing and inspection of certain establishments where animals are kept as laid down by the Pet Animals Act 1951 (pet shops), the Animal Boarding Establishments Act 1963 (kennels and catteries), the Riding Establishments Acts 1964 and 1970 and the Breeding of Dogs Acts 1973 and 1991

In addition, the Performing Animals (Regulation) Act 1925 requires local authorities to register animal trainers and exhibitors and empowers officers of local authorities to inspect premises where animals are being trained or exhibited.

The Environmental Protection Act 1990 (Sections 149–151), the Environmental Protection (Stray Dog) regulations 1992 require local authorities to pick up stray dogs where practicable and to appoint an officer to ensure that the council is fulfilling its duty. A register of the dogs picked up must be kept and dogs detained must be held for 7 days during which time owners can reclaim dogs.

Additionally the Control of Dogs Order (1992) gives powers to local authorities to enforce the requirement for dogs subject to certain exemptions to wear a collar and identification tag when in a public place.

Tiers of local government responsible

Functions under the licensing Acts are the responsibility of district councils and London borough councils; registration and inspection under the 1925 Act are the responsibility of county councils.

Links with other agencies

Veterinary surgeons or veterinary practitioners may carry out inspections for district councils. Prosecutions for offences are generally brought by local authorities but there may be a need on occasions for liaison with the police or animal welfare organisations such as the RSPCA.

Policy objectives

Controls over the keeping of animals as a business should be aimed primarily at ensuring the safety and welfare of the animals and local oversight of the licensing system should be an important element in ensuring the well-being of the animals.

Import and Export of Live Animals and Genetic Material
Functions and legislation

Local authorities have a duty to enforce the Animal Health Act 1981 and various import/export orders controlling the import and export of live animals and genetic material. Where illegal landings or imports are discovered local authorities have a duty to prosecute. These arrangements are subject to change following implementation of the Single Market from 1 January 1993. However it is not anticipated that in practice existing enforcement functions of local authorities will be materially affected.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

There are no links with other local authority activities other than the links with officials designated as Inspectors under the Animal Health Act 1981. There are, however, links with the Divisional Veterinary Officers of the State Veterinary Service.

Policy objectives

Local authorities should enforce the provisions of the orders applicable to import of animals and genetic material.

Control of Animal Disease
Functions and legislation

Local authorities must enforce Orders relating to diseases of animals under the Animal Health Act 1981. The work is often carried out by local authorities' trading standards departments

Tiers of local government responsible

County councils, metropolitan district councils and London boroughs.

Links with other agencies

Local authority departments work in close liaison with the State Veterinary Service. They must adopt a uniform approach and have sufficient resources to carry out these tasks.

Policy objectives

The objective is to control and where possible eradicate animal diseases which pose a serious threat to human or animal health.

Other functions (miscellaneous)

Access to the Countryside *Functions and legislation*

Under the terms of the National Parks and Access to the Countryside Act 1949 as amended by the Countryside Act 1968, local authorities may enter into agreements with local landowners or make orders to secure public access to areas of open country. Powers also exist for reviewing access requirements, mapping the area of land subject to public access, the provision and enforcement of access and the payment of compensation, the acquisition of land, the making of byelaws and the provision of warden services.

In addition authorities have a duty to enforce the prohibition of notices deterring the public from using rights of way, while the Countryside Act 1968 as amended by the Wildlife and Countryside Act 1981 requires authorities to signpost all rights of way where they leave the metalled road.

Tiers of local government responsible

County councils and district councils. Only county councils are responsible for enforcing prohibition notices and signposting.

Links with other agencies

Authorities liaise closely with the Countryside Commission who have an interest in all matters relating to access to the countryside, and with other agencies such as English Nature and the Forestry Commission where appropriate.

Policy objectives

The objective is to secure access to the countryside by voluntary agreement wherever possible. Local authorities should also ensure effective signposting, which is a pre-requisite for enjoying the countryside with confidence.

Allotments *Functions, legislation and tiers of local government responsible*

Under the seven Allotment Acts 1908–1950 district councils are required to provide allotments where there is a demand. London borough councils have the power but not a duty to provide allotments. Allotments for the purposes of the legislation are generally taken to be allotment gardens, an allotment not exceeding 40 poles, that is one quarter of an acre, which is cultivated wholly or mainly by the plot-holder for fruit or vegetables crops for consumption by himself or his family.

Archives *Functions and legislation*

The Local Government (Records) Act 1962 gave specified local authorities (see below: tiers of local government responsible) the power to purchase records which appear to them to be of local interest; to accept the gift of records which appear to them to be of general or local interest; to accept the deposit of records and to promote the adequate use by the public of records under their control.

The Local Government Act 1972 required all principal district authorities to make proper arrangements for their own records but left them with discretion to do this in a way that suited their own requirements.

The less extensive powers of the Public Libraries and Museums Act 1964 are still used by a few libraries to collect manuscript material as part of reference or local studies services.

Tiers of local government responsible

The powers to acquire and accept the deposit of records apply to county councils, metropolitan district councils and London borough councils and to any shire district councils specified in an order made by the Secretary of State, who also has power by order to consent to the deposit with another person of records under the control of a local authority and to amend or repeal any provisions in local Acts which are inconsistent with the provisions of the Act. Currently, eight non-metropolitan districts have been so specified.

Links with other agencies

The Royal Commission on Historical Manuscripts acts as an independent advisory body to the Government on matters concerning the care of historical archives and manuscripts and its secretary advises the Secretary of State with respect to his responsibilities under the 1962 Act. Most local authority record offices also hold public records under the terms of the Public Record Acts 1958 and 1967, and are appointed to do so following inspection by the Keeper of Public Records.

Policy objectives

The objective is for local authorities to develop local policies for the collection and preservation of historical records and for making them available for public consultation whilst maintaining the integrity of existing collections.

Byelaws

Functions and legislation

Byelaws, a form of delegated, subordinate legislation, are rules made by an authority for the regulation, administration or management of the whole or any part of its area. It is entirely a matter for the local authority to decide whether or not to adopt byelaws and enforcement is a matter for the local authority and the local police. Byelaws require confirmation by the Secretary of State as laid down by the Local Government Act 1972 and carry financial penalties for infringement.

The power to make byelaws is contained in various Acts for example for hairdressers and barbers (the Public Health Act 1961), for markets (the Food Act 1984 as amended by the Food Safety Act 1990) or for public conveniences (the Public Health Act 1936).

Tiers of local government responsible

The tier of local government which may make byelaws depends on the ownership of the land to which they apply and on the enabling legislation eg district councils may make byelaws regulating their markets.

Links with other agencies

Local authorities must apply to the appropriate central Government department for the confirmation of byelaws. When developing enforcement practices, local authorities will be in contact with the police, the Crown Prosecution Service and Magistrates' courts.

Canals and Inland Waterways
Functions, legislation and tiers of local government responsible

The vast majority of canals and inland waterways are owned and controlled by the British Waterways Board (BWB). The statutory framework for the BWB's operations is contained mainly in the Transport Acts 1962 and 1968. The BWB's function is to maintain the 2,000 miles of inland waterways (mostly artificial canals), largely for recreation and leisure amenity use but also for commercial freight traffic in some areas. Inland waterways also perform important land drainage and water resource functions.

Additionally, a number of waterways are managed by individual navigation authorities. The National Rivers Authority (NRA) also has navigation authority responsibility for some 200 miles of navigable rivers.

Some county and district councils are navigation authorities by virtue of ownership of a waterway or port/harbour, or as Trustees. They were established under numerous local Enactments, mainly dating back to the sixteenth and seventeenth centuries, administering inland waterways and harbours. Their functions include powers and duties to maintain a navigable channel, to regulate traffic, make byelaws, and to charge tolls and fees.

Other inland waterways functions, set out in the Transport Act 1968, include the management/control of navigation authority waters; rationalisation of non-BWB waterways; providing for access to BWB remainder waterways; financial upkeep of BWB waterways for amenity purposes; and being consulted about byelaw proposals for navigation authority waters from others.

Local authorities control boating in their areas through byelaws under the Local Government Act 1972 and various local Acts specific to the authority concerned.

Links with other agencies

Within a local authority, links should be maintained with planning, and recreational and public amenity provision departments. Highways authorities also have interests in bridge crossings.

Policy objectives

The objectives are to promote the fullest possible use of inland waterways for leisure, recreation and amenity, in the regeneration of inner cities, and for freight transport where appropriate; and to conserve the waterways which contribute significantly to the natural and built environment and are an important part of the national heritage.

Cemeteries

Functions and legislation

Local authorities have a power to provide cemeteries under the Local Government Act 1972. Where they provide them they should be administered in accordance with the Local Authorities' Cemeteries Order 1977.

Tiers of local government responsible

District councils and London borough councils.

Civil Registration

Functions and legislation

Under the Registration Service Act 1953 local authorities must:

- establish a permanent legal record of every birth, marriage and death and provide documentary evidence of these events;
- carry out the civil preliminaries to marriage and conduct civil marriage ceremonies; and
- furnish the Registrar General with returns of these events for work on population statistics and medical research.

The Births and Deaths Registration Act 1953 sets out the procedures for the registration of births, deaths and stillbirths and the Marriage Act 1949 covers procedures for and registration of marriage.

Under the Registration Service Act 1953 each council must make a scheme setting out other registration arrangements for its area. Each scheme makes various provisions including the boundaries of the registration districts and sub-districts in the area, the location of offices for those districts and sub-districts and the number of registration officers required to carry out the functions of the service.

At present, registration districts and sub-districts are defined specifically to meet the registration function and their boundaries will not necessarily be coterminous with either those of the district council or the health authority. While registration district boundaries will have some relationship with density of population, sub-district boundaries are more likely to be influenced by location of institutions (sometimes hospitals are sub-districts in their own right). The scheme also confers powers on the Proper Officer for each local authority to make specific local arrangements, such as fixing the hours of public attendance of each registration office.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Policy objectives

The key objectives are that local authorities should be responsible for establishing a permanent record of every birth, marriage and death in accordance with nationally prescribed standards; should publicise the fact that members of the public have a statutory obligation to attend at a registration office to give certain information within specified time limits.

Closed Churchyards

Functions, legislation and tiers of local government responsible

Every person dying in an ecclesiastical parish has the common law right to be buried in his (Church of England) parish churchyard unless it has been closed to further burials. The parochial church council (PCC) continues to be responsible for maintaining a closed churchyard, but may serve a written request on the parish council (if there is one) under the Local Government Act 1972 asking the council to assume responsibility for maintaining the churchyard. That council may, if it so resolves within three months, pass on responsibility to the district council or London borough council under the 1972 Act and the latter must then assume maintenance responsibility three months after the request was served on the parish council. Otherwise the parish council has to assume maintenance responsibility. In the absence of a parish council the PCC may serve the written request on the council of the district in which the churchyard is situated.

This system is recognition of the particular role of the Church in past centuries as guardian of the dead for the population at large. Persons with the common law right of burial in the churchyard are likely to be much more numerous than the regular congregation of the church who have to bear the cost of maintaining their churchyard. It is in this context that the PCC is enabled to transfer responsibility for maintaining its churchyard, once closed by Order, to a local authority having access to funds raised from the whole community.

Common Land (Including Village Greens)

Functions and legislation

Local authorities exercise a number of functions under various commons enactments. Foremost amongst these is the requirement for county councils, London borough councils and where appropriate, metropolitan district councils, to maintain registers of common land and town and village greens as

required by the Commons Registration Act 1965. Registration authorities are obliged to hold three separate sections of the register providing details of the land included in the registration, ownership and rights of common. Searches of these registers are carried out by solicitors carrying out normal conveyancing work to see if the land is registered as common land. County councils refer disputes and uncertainties over entries in the registers to the Commons Commissioners for a decision and then amend the registers accordingly. The Commons Commissioners have virtually completed their work in England but are still involved in hearing disputes in Wales where there have been special problems over the constitution of the registers. A town or village green in unknown ownership may be vested in a district or parish council - a common in unknown ownership may be protected by any county, district or parish council in whose area the land is situated, as if the council was the owner of the common.

Schemes of Management may be made by district councils under the Commons Act 1899 to regulate a common or town or village green. A Scheme involves the council in preserving the natural features of the common and maintaining it free from all encroachments and enclosures. The inhabitants of the district have a right of free access to every part of the common and are permitted to play games subject to the council's byelaws made as part of the Scheme.

County or district councils have powers under the Law of Property Act 1925 to take action where works are carried out on a common without Ministerial consent, but the powers appear to be little used. Local authorities, including county and district councils also have a power under the Countryside Act 1968 (and with the Secretary of State's consent) to provide or improve opportunities for enjoyment etc on certain types of common land. This power is also very rarely used.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

Since 1972, under the Commons Registration Act 1965, the Commons Commissioners, a Non-Departmental Public Body, have been holding hearings into disputed registrations in respect of ownership, land and rights of common, and since 1989, into applications to de-register land registered as common in error under the Common Land (Rectification of Registers) Act 1989. The Commissioners' work is likely to be completed by 1993.

The Countryside Commission also plays a role in certain aspects concerning common land, particularly in the promotion of new legislation and in protection of common land.

Policy objectives

The objective is that local authorities should maintain an up to date register of common land; and that common land should be efficiently managed and accessible.

Computer Services
Functions and legislation

The Local Government (Miscellaneous Provisions) Act 1976 provides that where a local authority has provided a computer for the purpose of enabling it to perform any of its functions, and spare capacity exists, it may enter into agreements with other persons for the provision by the authority of computer facilities or services.

Local authorities may make such charges for the supply of computer facilities or services as they think fit, providing that these are in line with terms reasonably available from private sector suppliers of similar facilities.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

Local authorities may enter into agreements with a variety of groups including private sector companies or individuals in addition to non-local authority public bodies (eg, housing associations, urban development corporations etc).

Policy objectives

The objective is for local authorities to obtain the best possible return on their investment in information technology by maximising systems usage and reducing spare capacity.

Coroners

Functions and legislation

Under the Coroners Act 1988 local authorities have responsibilities for appointing coroners, paying their salaries and pensions and financing the service generally.

Tiers of local government responsible

County councils, metropolitan district councils and London borough councils.

Links with other agencies

In the course of the performance of their duties, coroners have links with a very wide range of other agencies. These will include the local registrar of deaths, local authority environmental health departments or the local area health authority in respect of the provision of mortuaries and pathologists; the police (provision of the coroner's officer); magistrates courts and county court (for assistance in providing courtroom facilities for inquests); local cremation and burial authorities and local firms of undertakers.

Policy objectives

The Government wishes to ensure that a coroner's jurisdiction provides a sufficient workload to sustain a full-time coroner and is compact enough to make the coroner reasonably accessible to the general public. It considers that smaller jurisdictions should be amalgamated to create, where possible, whole-time jurisdictions with caseloads of at least 1,500 deaths reported annually to the coroner.

In view of the close links with the registration service, coroners' jurisdictions should, where possible, be co-terminous with the registration service areas.

Country Parks

Functions and legislation

The Countryside Act 1968 gives local authorities powers to create country parks and make byelaws to control and regulate activities within them. Local authorities may also provide public facilities on common land and camping and picnic sites on other country sites.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

Authorities work closely with the Countryside Commission and other agencies, such as English Nature or the Forestry Commission, whose interests may be affected.

<i>Policy objectives</i>	The objective is to create and maintain country parks as a means of promoting public awareness and enjoyment of the countryside on our doorsteps, and to help to preserve various aspects of country life and working practices.
Crematoria <i>Functions and legislation</i>	<p>The Cremation Act 1902 gave local authorities a power to provide crematoria.</p> <p>Before a crematorium may be used for burning human remains its owner must certify to the Home Secretary that it is fit for operation. The Environmental Protection Act 1990 requires authorisation of crematoria in order to control air emissions. (See separate section on air pollution.) The Home Secretary is also responsible for Regulations concerning the day to day administration of all crematoria.</p>
<i>Tiers of local government responsible</i>	District councils and London borough councils.
<i>Policy objectives</i>	The objective is that local authorities should operate crematoria to rigid hygiene and environmental quality standards.
Definitive Maps of Public Rights of Way <i>Functions and legislation</i>	<p>Under the terms of the Wildlife and Countryside Act 1981, surveying authorities have a duty to keep their definitive maps under continuous review and to reclassify all roads used as public paths as byways open to all traffic, bridleways or footpaths. Any changes to the map are made by means of a definitive map modification order. Authorities may also appoint wardens to advise and assist the public in connection with the use of such rights of way.</p> <p>The Secretary of State for the Environment must confirm opposed orders. He may also direct authorities to make a definitive map order, and consider appeals against the decision of an authority not to make an order. Other Departments such as Transport, Defence and the Ministry of Agriculture, Fisheries and Food, are consulted where their interests are affected.</p>
<i>Tiers of local government responsible</i>	County councils are responsible for maintaining the definitive map for their area; although they may delegate this to district councils, few do so. Both tiers of local government may provide warden services.
<i>Links with other agencies</i>	Surveying authorities work closely with the other local authorities in their area and with the Countryside Commission. They make particular use of Archive Departments for information on ancient maps etc.
<i>Policy objectives</i>	The objective is that local authorities should ensure that all rights of way are properly defined and recorded.
Disused Burial Grounds <i>Functions and legislation</i>	<p>The Open Spaces Act 1906 gave local authorities a power to take over, by agreement, disused burial grounds and lay them out as open space for public use.</p> <p>Local authorities may also, under the Town and Planning Act 1990, develop disused burial grounds which they have acquired compulsorily, or by agreement, or appropriated for planning purposes. Human remains and memorials must be cleared from the land following the procedures set out in</p>

the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950.

Tiers of local government responsible

County councils, district councils and London borough councils.

Dogs

Functions and legislation

From 1 April 1992, under the Environment Protection Act 1990 (EPA), local authorities have a duty to seize and detain stray dogs and to enforce legislation requiring dogs to wear collar and tag identification when in a public place.

The EPA requires local authorities to appoint an officer (such as a Chief Environmental Health Officer) to administer this function. He may discharge the duty by appointing dog wardens or employing an agent, such as the RSPCA or other welfare organisations.

If a stray dog is wearing a collar and identification tag, or the owner is known, the officer must serve a notice on the person whose name and address is on the tag, or the owner, giving him or her seven days to collect the dog. When a dog is reclaimed, the owner may be charged for all expenses incurred, together with an additional charge prescribed by regulations as £25. If the dog is not claimed within seven days, the officer can sell or give it to a suitable owner or an animal welfare organisation, or destroy it in a humane manner.

Under the Dangerous Dogs Act 1991 an officer of a local authority so authorised by it may seize a dangerous dog in the following circumstances:

- (i) any dog of a type which is specially controlled under the Act but for which no valid certificate of exemption has been issued or which is unmuzzled or not on a lead in a public place;
- (ii) any dog of a type which is in breach of an order under the Act; or
- (iii) any dog which is dangerously out of control in a public place.

Local authorities can also make byelaws for designated areas which require owners to clear up after their dogs, to keep their dogs on leads or to ban dogs completely.

Tiers of local government responsible

District councils and London borough councils. (County councils may make byelaws for land in their ownership in certain circumstances).

Links with other agencies

The police retain certain powers and duties in connection with stray dogs. Additionally, close liaison with the police is required in order to establish a procedure for dealing with the seizure of dogs.

Policy objectives

The objectives are to help local authorities reduce the number of stray dogs and the nuisances (fouling, attacks, accidents) associated with them; to encourage responsible dog ownership; to eliminate the menace and danger which is posed by fighting dogs; and to provide improved controls over dogs of any breed which are dangerously out of control in public.

Entertainments

Functions and legislation

Under the Local Government Act 1972 local authorities have discretionary powers to provide, or contribute towards the cost of providing a theatre, concert or dance hall, orchestra etc.

Tiers of local government responsible

County councils, district councils and London borough councils.

Inner Urban Areas

Functions and legislation

Since 1969, the Government has paid Urban Programme and subsequently other grants to local authorities to help regenerate urban areas "with special social needs". The local authorities benefiting from these grants, which were disbursed under the terms of the Local Government Grants (Social Need) Act 1969, are now those responsible for the 57 urban priority areas on which the Government's inner cities initiatives are targeted (A list is annexed). They equate to the urban programme areas.

Under the Inner Urban Areas Act 1978 and the Local Government and Housing Act 1989 local authorities were given additional powers to encourage economic development in their 'inner urban areas' that is, those areas with the most serious inner city problems. Under the 1978 Act, 47 designated authorities are permitted to make loans to establish co-operatives, assist with the refurbishment and landscaping of industrial and commercial buildings and, in certain areas, assist with rents and the cost of site acquisition and preparation. Central Government grants are given to help fund this assistance. The remaining urban programme authorities use other powers to achieve the same economic objectives.

There is also a variety of local acts which UP authorities use to enable them to support regeneration activity.

The major initiatives involving grant payments to local authorities are City Challenge, the Urban Programme, Derelict Land Grant (see separate section), Traditional Urban Programme and Urban Development Grant – both of which are being phased out and payments will cease in the next year or two – and Safer Cities. The Safer Cities programme is a crime prevention initiative which tackles crime and the fear of crime in 20 inner city and urban areas through local multi-agency schemes.

City Challenge, which was established in 1991, involves payment of grant of £7.5 million per year over five years to each of a predetermined number of those UP authorities who submit the best plans for a concentrated programme of regeneration involving all sections of the community. Currently eleven "pacemaker" areas are receiving City Challenge resources but a further 20 areas have been invited to prepare detailed plans for schemes starting in April 1993.

The 57 local authorities involved in the Urban Programme receive grant at 75% on approved capital and revenue expenditure and supplementary credit approvals for the remaining 25% of capital expenditure. Local authorities contribute the remaining 25% of revenue expenditure. Initial allocations for 1992/93 total £260 million, excluding the resources top-sliced for City Challenge Pacemaker authorities. Some funding is passed on in support of private and voluntary sector projects.

In some cases local authorities work jointly with City Action Teams to support employment and training projects in inner urban areas. The local authority support is not funded by central Government.

Tiers of local government responsible

Some district councils and London borough councils. County councils work jointly with district councils in some instances.

Links with other agencies

Both the Urban Programme and City Challenge encourage a partnership approach to urban regeneration, with local authorities working with the private sector, other public bodies, the voluntary sector and local residents. A crucial element of City Challenge is that regeneration plans and resources should be effectively managed and delivered by a management body with partners from all sections of the local community.

**URBAN PROGRAMME
AUTHORITIES**

NORTHERN

Newcastle/Gateshead
*Hartlepool
Langbaurgh
*Middlesbrough
North Tyneside
South Tyneside
Stockton
*Sunderland

NORTH WEST

*Manchester/Salford (1)
Blackburn
Bolton
Burnley
Oldham
Preston
*Rochdale
Wigan

MERSEYSIDE

Liverpool
Halton
Knowsley
St Helens
Sefton
*Wirral

WEST MIDLANDS

*Birmingham
*Coventry
Dudley
Sandwell
Walsall
*Wolverhampton
The Wrekin

* Safer Cities Project

(1) Only Manchester is part of the Safer Cities Project

EAST MIDLANDS

*Derby
*Leicester
*Nottingham

YORKSHIRE/HUMBERSIDE

Barnsley
*Bradford
Doncaster
*Hull
Kirklees
Leeds
Rotherham
Sheffield

LONDON

Hackney
*Islington
Lambeth
Brent
Greenwich
*Hammersmith/Fulham
Haringey
Kensington/Chelsea
*Lewisham
Newham
Southwark
*Tower Hamlets
*Wandsworth

SOUTH WEST

*Bristol
Plymouth

Policy objectives

The objectives are:

- (i) to encourage enterprise and new businesses, and create the conditions for existing businesses to grow stronger;
- (ii) to improve people's job prospects, their motivation and skills;
- (iii) to make inner cities more attractive to residents and to business by, for example: tackling dereliction bringing buildings back into use, preparing sites and encouraging development, improving transport links and services and improving the quality of housing; reducing crime, improving education and health care, and developing better facilities for the arts, recreation and sport.

Local Land Charges

Functions and legislation

The Register of Local Land Charges is a twelve part register on which are recorded charges or other matters affecting land which are registrable under the Local Land Charges Act 1975. These are:

- (i) charges, prohibitions or positive obligations imposed or enforceable by a Minister of the Crown, Government Department or local authority; and,
- (ii) anything else which has been expressly made a local statute.

The latter category includes entries on the list of buildings of special architectural or historic interest, orders conferring rights on the British Coal Corporation in connection with opencast mining, and various notices under the Housing Acts 1957, 1964 and 1985.

Local land charges arise due to action by local authorities or central authorities, depending upon who has power to impose the particular charge. Most of the matters to which such charges relate concern the Department of the Environment; but other departments, such as Health, may be involved. The open nature of the definition of local land charge means that more departments could become involved, as new charges can be created by statute.

Tiers of local government responsible

District councils and London borough councils.

Links with other agencies

Within a local authority, close links are needed with all parts of the authority which may wish to register charges – for example, those imposing charges relating to highways, housing or development control.

Policy objectives

Local authorities should ensure that the information contained in local land charges registers is made available to prospective purchasers of land quickly and accurately.

Local or Personal Bills in Parliament

Functions, legislation and policy objective

The Local Government Act 1972 gave local authorities the power to promote or oppose a local or personal Bill (both are private Bills) in Parliament, providing it is expedient to do so. Unlike public Bills a local Bill invariably applies to a specific area for the benefit of the promoters.

Tiers of local government responsible

County councils, district councils and London borough councils.

Markets

Functions and legislation

The Food Act 1984 as amended by the Food Safety Act 1990 gave local authorities powers to establish markets within their areas or acquire, by agreement, the whole or part of existing markets within their areas. They may also provide a market place with approaches and buildings convenient for the holding of a market.

Tiers of local government responsible

District councils and London borough councils.

Mortuaries

Functions and legislation

The Public Health Act 1936 empowered local authorities to provide public mortuaries, and post-mortem rooms.

Although the power is discretionary, the Act includes a power for the Secretary of State to require their provision.

Tiers of local government responsible

District councils and London borough councils.

National Trails

Functions and legislation

Under the National Parks and Access to the Countryside Act 1949 the Secretary of State for the Environment may approve or vary proposals, made by the Countryside Commission for a National Trail, to enable members of the public to make extensive journeys on foot, horseback or bicycle. The Secretary of State may also approve proposals to vary the route of existing National Trails. Local authorities are statutorily consulted by the Commission before it submits such proposals and are responsible for implementing the route once approved. They are also empowered to make provision for ferries, and for accommodation, meals and refreshments along the route.

Tiers of local government responsible

County councils are solely responsible for providing ferry services, but both county councils and district councils share the task of implementing the route and providing accommodation, etc.

Links with other agencies

There is a need for close working links with the Countryside Commission, as the agency primarily responsible for funding and co-ordinating activities relating to National Trails, but other agencies such as English Nature and the Forestry Commission are also consulted.

Policy objectives

The key objectives for local authorities in developing National Trails are that they should: help to facilitate greater public access to the countryside; provide the opportunity for extensive journeys on foot, horseback or bicycle; link in with other local or regional rights of way; provide value for money; and contribute to the rural economy.

Public Conveniences

Functions and legislation

The Public Health Act 1936 gave local authorities powers to provide public sanitary conveniences in proper and convenient situations. Local authorities also have the power to require the provision of sanitary appliances (including lavatories) in particular premises open to the public: where an exhibition, entertainment or sporting event may be held; where food or drink is sold for consumption on the premises; and in betting offices. The authority may serve

a notice on the owner or occupier of such a place requiring the provision of sanitary appliances for use by members of the public under the Local Government (Miscellaneous Provisions) Act 1976.

Tiers of local government responsible

County councils, district councils and London borough councils.

Links with other agencies

Highways authorities are responsible for the provision of public conveniences alongside highways.

Sea Fisheries Committees
Functions and Legislation

The twelve Sea Fisheries Committees (SFCs) in England and Wales are empowered by the Sea Fisheries Regulation Act 1966 to make byelaws for the regulation and management of fisheries in their district in the zero to three mile zone off shore. They may stop and search vessels, confiscate fish or gear and take proceedings against those who break the regulations. Powers of entry can be obtained when needed from local JPs.

SFCs also have powers to stock shellfish beds, destroy predators of fish and contribute to harbour expenses. Under the Sea Fisheries (Wildlife Conservation) Act 1992 SFCs must, when undertaking their fisheries functions, take into account the conservation of marine flora and fauna and endeavour to achieve a reasonable balance between conservation considerations and their responsibilities under the Sea Fisheries Regulation Act 1966.

Ministers have agreed in principle to the extension of SFCs' jurisdiction from three to six miles and individual Committees may apply to the Government for extension of their districts.

Tiers of local government responsible

The constituent county councils (and some metropolitan district councils in England) in each of the 12 sea fisheries districts hold policy responsibility for funding the SFCs. The constituent authorities also appoint half the Committees' members (of the rest, one comes from the National Rivers Authority (NRA) and the remainder are appointed by the appropriate Ministers for Agriculture, Fisheries and Food).

Links with other agencies

SFCs can confer enforcement duties onto officers of the NRA and vice versa through a system of "cross warranting". This occurs where there is an overlap between SFC and NRA in the district of the other. SFC fishery officers may also be appointed as British Sea Fishery Officers to assist the Ministry of Agriculture, Fisheries and Food in enforcement of national and EC fisheries legislation.

Policy objectives

The objective is to secure good management of local fisheries.

Sheltered Employment
Functions and legislation

Local authorities provide help to people to get jobs, particularly those who are unemployed. Particular help is given to people who are unemployed in the long term, who have disabilities or other disadvantages and those living in inner cities to find and retain jobs.

The Disabled Persons (Employment Act) 1958 as amended by the Local Government Act 1972, provides that a local authority may, with the approval of the Secretary of State, and to such extent as he may direct, set up facilities for sheltered employment for registered disabled people.

Some local authorities participate in the Government's Sheltered Employment Programme. This provides job opportunities for around 20,800 people with severe disabilities who are unable to obtain or retain jobs in open employment. It is provided by:

- Remploy (a Government-supported company) which employs around 8,600 people with severe disabilities in 93 factories throughout Great Britain.
- 124 Sheltered Workshops run by local authorities and voluntary bodies, and employing around 5,300 people with severe disabilities.
- The Sheltered Placement Scheme which allows people with severe disabilities to work, with appropriate support, alongside non-disabled colleagues in a wide range of jobs and locations. These workers receive the same wages as their non-disabled counterparts in the host company. 6,800 jobs were supported in 1990/91 sponsored by local authorities and voluntary bodies.

Tiers of local government responsible

Sheltered employment is generally supported by county councils, metropolitan district councils and London borough councils. Shire district councils may sponsor jobs for people with severe disabilities under the Sheltered Placement Scheme and the Government pays sheltered employment grants direct to these district councils.

Links with other agencies

The Social Services and Personnel Departments in all tiers of local government deal with the provision of sheltered employment and workshops. They also work with voluntary bodies, and the Employment Service of the Employment Department in the provision of this service.

Policy objectives

The objective is for local authorities to provide particular assistance to registered disabled people to find employment.

Smallholdings
Functions and legislation

The Agriculture Act 1970 designated county councils as statutory smallholdings authorities with a duty to manage smallholdings estates which provide opportunities for suitable persons to be farmers on their own account. The local authorities must have regard to the general interests of agriculture and of good estate management, and are required to seek approval from the Minister of Agriculture, Fisheries and Food for any deviation from previously-approved plans concerning the organisation of their estates.

Tiers of local government responsible

County councils.

Policy objectives

Statutory smallholdings provide a means of entry to farming for suitably qualified persons who have insufficient capital to purchase their own holding, or who cannot obtain a farm tenancy in competition with established farmers. It is vital to the future well-being of agriculture that there should be adequate opportunities for qualified people to enter farming.

Tourism
Functions and legislation

The English Tourist Board (ETB) was established under the Development of Tourism Act 1969. It is a statutory organisation with responsibility for developing and promoting tourism in England. The Local Government Act

1972 gave local authorities powers to develop tourism in their areas and to work with any organisation approved by the Secretary of State to this end. With financial support from the ETB, local authorities and local tourism interests, twelve Regional Tourist Boards work to promote and develop tourism in the English regions.

Local authorities help to maintain the position of established tourist areas as well as developing many newer visitor destinations, such as those based on the industrial heritage. Local authorities also play an important role in providing many of the facilities and amenities enjoyed by visitors and local residents alike. Tourist information, leisure centres, environmental enhancement and improvement projects, museums and cultural activities, are all examples of facilities necessary to ensure the success of a place as a visitor destination; and local authorities play an important part in their provision. Local authorities' role in the planning process also gives them a significant influence over the way tourism develops in their areas.

Tiers of local government responsible

County councils, district councils, London borough councils and National Park boards and committees.

Links with other agencies

Many local authorities work closely with the regional tourist boards, both as members and cooperating in specific marketing programme and development projects.

Policy objectives

The main objective is for local authorities actively to foster the continued development of tourism in their own area and nationwide. They should co-operate with other local authorities' tourism offices and with the regional and national tourist boards.

Government policy is directed towards removing unnecessary or unjustifiable restraints on the operation of the tourism market; optimising the economic and employment benefits which tourism brings and spreading these as widely as possible; and securing a proper balance between the needs of the industry and its customers and the needs of the environment and the host communities within which tourism takes place. The regional and national tourist boards and local authorities play an important role in helping the Government to pursue these aims.

Tree Preservation

Functions and legislation

The Town and Country Planning Act 1990 empowers local planning authorities to protect trees in the interests of amenity by making Tree Preservation Orders (TPOs). These require the consent of the authority to any proposed felling, lopping, etc of specified trees and woodlands.

Tiers of local government responsible

TPOs are normally the responsibility of district or metropolitan borough councils. County councils may only make such orders in certain limited circumstances – for example within National Parks or in connection with planning consents granted by them (such as mineral extraction).

Links with other agencies

The Forestry Commission is responsible for the administration of the wider system of felling controls under the Forestry Acts and for promoting with the grant aid the planting and management of forests and woodlands. There are

arrangements which set out the circumstances in which the Commission will consult local authorities on applications it has received for grant aid, under its Woodland Grant Scheme, or for felling licences.

Policy objectives

TPOs administered by local authorities continue to have importance for safeguarding trees in the interests of amenity. A key policy objective is to prevent the premature removal of specific trees. Such orders also provide scope for local planning authorities to require the replacement of protected trees, when they are felled.

The Government is currently undertaking a wide-ranging review of tree preservation policies and legislation, with particular reference to Tree Preservation Orders. A consultation paper was published in December 1990.

War Memorials

Functions and legislation

The War Memorials (Local Authorities' Powers) Act 1923 as amended by the Local Government Act 1948, gave local authorities a power to maintain, repair and protect war memorials, whether vested in them or not.

Tiers of local government responsible

County councils, district councils and London borough councils.

Section III

List of all the Acts of Parliament, Statutory Instruments, Orders and Rules, White Papers and Government policy documents mentioned in this document.

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The London and South East Regional Planning Conference (SERPLAN) has published advice in the form of a Regional Strategy, and draft regional guidance is expected in 1992.

The Standing Conference (South West) published its draft advice in October 1991, final advice is expected by autumn 1992, and guidance will be issued in 1993.

The Standing Conference of Local Authorities in Yorkshire and Humberside expect to produce draft advice by summer 1992, and to give some formal advice by early 1993.

The Regional Forum (West Midlands) will give some formal advice to the Secretary of State by early 1993, and guidance should be issued by the end of 1993.

The Regional Forum (East Midlands) published draft advice in the form of a Regional Strategy in February 1992, and the final guidance is expected by early 1993.

The North West Regional Association was set up in January 1992 and intends to consider advice on regional guidance.





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